

Day one: Saturday

- 09:00 — Set up
- 10:00 — President opens Congress
- 10:10 — Housekeeping
- 10:15 — Adoption of standing orders
- 10:20 — Outgoing National Council reports
- 10:50 — 10 minute break
- 11:00 — Treasurer's report
- 11:15 — Motions
 - Constitutional amendments
- 12:30 — Lunch
- 13:00 — Motions continued
 - Constitutional amendments (continued)
 - Formal Motions
 - Once all Constitutional amendments are completed,
barring any other formal motions, we will move to policy discussion
 - Policy motions
- 16:00 — Close of day one

Day two: Sunday

- 09:00 — Set up
- 10:00 — Housekeeping
- 10:05 — Standing orders
- 10:10 — Nominations (& nominee speeches)
 - National Council
 - Dispute Resolution Committee
 - Policy Development Officer
- 11:00 — Policy motions (continued)
- 12:30 — Lunch
- 13:30 — Discussion topics
 - Election discussion
 - Free discussion
- 16:45 — Location of next National Congress
- 17:00 — Close of day two

National Congress Standing Orders

General rules

- Do not interrupt the chairs or other speakers.
- There will be two Chairs, one to chair the meeting generally, and another to act on the interests of remote participants.
- Interruption is permitted to raise a vote of no confidence against a Chair.
- If you wish to speak, draw attention to the Chair by raising your hand.
- Upon acknowledgement of the chair, move to a microphone before you begin speaking.

Remote participants

1. Begin your statement in IRC with the Remote Chair's IRC name.
2. Follow this with your action, such as "MOTION", "QUESTION", or "COMMENT"
3. The remote chair will then read this out on your behalf at an appropriate juncture.

Nominations

- All nominations must be in before the close of the first day.

Announcing motions

Motions to amend the platform and/or policies (including introducing new policies):

- Must be announced in writing at least seven (7) days prior to the National Congress.
- May not be proposed on the floor.

New policies or platform amendment proposals must be accompanied by a statement that discusses why and how the amendment is inline with the Party Principles as defined in Part I of the Party Constitution.

Announced motions

Announced motions follow this procedure:

1. Presenter presents the motion
2. Questions are asked regarding the motion
 - The chair will determine speaking order
 - COMMENTS ARE NOT QUESTIONS
3. Amendments are proposed as a new motion applying to the current motion
4. Attempt to find two speakers in favour, two speakers against (alternating).
 - There must be equal speakers for and against
5. National Council may opt to make remarks
6. A majority vote of those present required to be carried

Amendments

1. A member may motion to amend another motion.
2. If the person presenting a motion agrees to a proposed amendment, the amended motion may then be debated.
3. If the person presenting a motion does not agree to a proposed amendment, those present must vote for or against the proposed amendment. A majority vote will see the amendment carried. After this vote, the motion (amended or otherwise) may then be debated.

Commit

1. A member may motion to place another motion in a committee.
2. Majority vote of those present required to be carried.
3. Motion may not be reintroduced until committee reports.

Table

1. A member may motion to table another motion for later discussion at the meeting.
2. Majority vote of those present required to be carried.

Postpone motion

1. A member may motion to postpone another motion indefinitely
2. Majority vote of those present required to be carried.
3. Motion may not be reintroduced at that meeting if successfully postponed.

Floor motions

- Floor motions must be presented after all announced business has been completed, unless leave is granted by the Chair.
- In all other regards, floor motions are treated the same as announced motions.

Procedural motions

- May be made any time, except during discussion of other motions.
- Pertain to the running of the Congress including:
 - motioning for recesses (such as a lunch break),
 - dismissing a Chair,
 - adjusting the environment of the room, and
 - modifying the standing orders.

Motion to recess or adjourn

- A motion to recess or adjourn the meeting must be formally put.
- Majority vote of those present required to be carried.

CAP-0: Motion

Put by: The National Council as required by the Constitution.

Motion

As per Article 9.1(3) of the Party Constitution, members must vote on whether to raise the quorum for constitutional amendments by 2%, which this Congress is from 20% to 22%.

Do you agree to raise the quorum by 2%, to 22%?

CAP-1: Change notification requirements for constitutional amendments

Put by: Mozart Olbrycht-Palmer

Motion

Amend the Constitution so that arts 9.1(2) and 9.1(3) read as follows:

9.1(2) Constitutional amendment proposals must be submitted by email to the Secretary by 9:00 am AEST on the Saturday that falls on the 28th day before the first day of the National Congress.

9.1(3) Members must be notified by email of any proposals for amendments by 11:59 pm AEST on the Saturday that falls on the 28th day before the first day of the National Congress. This requirement can be fulfilled by placing the proposals at a specified place on the Party website or wiki before this deadline and informing the membership of their location.

Rationale

Article 9.1(2) requires members to be notified by email of any proposals for amendments by 11:59 pm on the 28th day before Congress. This requirement can be fulfilled by placing the proposals on the wiki and informing the membership of their location (art 9.1(3)). However, art 9.1(5) implies that 11:59 pm is the cut-off time for submitting assessments, giving the Secretary no time to fulfil their obligations of notifying the members in a constitutionally valid way. This resolves the issue by requiring constitutional amendment proposals be submitted by 9:00 am on the 28th day, after which the Secretary can ensure all proposals are on the wiki, before emailing the members by 11:59 pm that night. It also fixes the 28th day to be a Saturday to save confusion.

CAP-2: Adopt the Schulze method for congressional voting

Put by: Simon Frew

Motion

Amend the constitution to include the following definition of the Schulze voting method:

A Condorcet preferential voting system that compares each candidate by their rank to each other to find the winning candidate. [Wikipedia](#)

Amend article 10.1(7) to read as follows:

The voting method to be used for elections at the National Congress shall be the optional preferential Schulze method.

Rationale

Removes cumbersome language around how we vote and official adopts our previously de facto voting method.

CAP-3: Changes to handling vacancies on the National Council

Put by: Simon Frew

Motion

Replace article 10.1(6) with the following articles:

- A member of the National Council is automatically considered to be unable or unwilling to perform their duties if they fail to attend a meeting four (4) consecutive times or for two (2) consecutive months, whichever occurs first, and the position is automatically declared vacant.
- The National Council may declare a National Council member unable or unwilling to perform their duties and render that position vacant by an absolute two-thirds majority vote of those remaining members of the National Council.
- In the event a vacancy appears on the National Council:
 - If at the last National Congress there were further candidates for the vacant position, the National Council must invite the next strongest candidate for that position onto the National Council, and repeat until the list exhausts. The National Council has seven (7) days to fill the vacancy using this method.
 - If there are no candidates or the time expires, the position is announced as vacant and an election is called for twenty-one (21) days from the date of the expired timer or date of resignation if no timer was triggered.
 - Other than the above, the election procedure is to follow the voting procedures of a National Congress, and may be held entirely online.

- If no candidates stand for election, the National Council may opt to appoint a member to the National Council by absolute two-thirds majority vote of the remaining members of the National Council.

Rationale

Explicitly defines the requirements for a Councillor to be declared inactive and adds provisions for choosing a replacement now that we have the technical ability to hold online elections at any time.

CAP-4: Grammar A

Put by: Simon Frew

Motion

Capitalise every mention of Constitution

Rationale

CAP-5: Explicitly disallow state branches from registering as a federal party or division

Put by: Simon Frew

Motion

Add the following to section 2.1:

No State or Territory Branch may register as a federal political party, nor as a division of the Federal Party.

Rationale

Kill bureaucracy 10 years in advance. Parties have this dirty habit of spending too much time on developing mechanisms of control and bureaucracy. Disallowing this is future-proofing to stop in-fighting and ensure the federal party remains the central point for federal elections insofar as handling AEC bureaucracy is concerned and stops the 'regionalisation' of the Party.

CAP-6: Changes to the positions on the National Council

Put by: Simon Frew

Motion

Remove the role of Deputy Treasurer (3.2.6), Registered Officer (3.2.7) and the two Councillors (3.2.8).

Introduce the following roles:

- Fundraising Officer
 - The Fundraising Officer shall, at a minimum:

- Work with the National Council to develop fundraising programs and campaigns; and
- Work to ensure the continued solvency of the Party.
- Volunteer Officer
 - The Volunteer Officer shall, at a minimum:
 - Be the primary officer for new member engagement;
 - Provide guidance to members and the public at large on ways they can help the Party; and
 - Be the primary officer for coordination of volunteers during an election period.
- Communications Officer
 - The Communications Officer shall, at a minimum:
 - Coordinate the digital voice of the Party, such as active engagement on social media;
 - Work with the publicity organs of the Party to ensure consistent and effective messaging; and
 - Provide guidance to the National Council on publicity matters.
- Campaign Officer
 - The Campaign Officer shall, at a minimum:
 - Work with the National Council and the Party to build effective campaigns outside of and during the election period;
 - Effectively engage with the public to enhance the public image of the Party; and
 - Assist other officers with the development of effective campaigns.

Rename the following roles:

- Party Secretary (3.2.3) to Secretary
- Deputy Party Secretary (3.2.4) to Deputy Secretary

Redefine the following roles:

- President (3.2.1)
 - The President shall, at a minimum:
 - Act as the coordinator for providing direction of the Party;
 - Take an active role in advocating on behalf of the Party in the public sphere;
 - Default as the chair of the National Congress, and meetings of the National Council; and
 - Co-ordinate the activities of the National Council.
- Deputy President (3.2.2)
 - The Deputy President shall, at a minimum:
 - Assist the President with their duties in accordance with this Constitution; and
 - If the President is unable (on a temporary basis) to conduct their obligations under the Constitution, the Deputy is to substitute and fulfil those obligations.
- Secretary (3.2.3)
 - The Secretary shall, at a minimum:
 - Provide notice in advance to members of all official meetings, and of the National Congress;

- Prepare schedules, agenda, and correspondence from members for submission to the meeting or National Congress, and record attendance of persons present, and arrange for minutes or logs to be recorded;
- Co-ordinate official correspondence of the National Council;
- Maintain the party register, in accordance with Commonwealth Electoral Act 1918;
- Maintain custody of all documents, statements and records of the Party, and except for those documents that are otherwise accounted for in this Constitution, by other officers; and
- Briefly minute, or delegate responsibility for minuting, listing the decisions of meetings of the National Congress and National Council and ensure publication at the earliest possible convenience.
- The Secretary fulfills the requirements and obligations of the position of the same name as defined in the Commonwealth Electoral Act 1918.
- The Secretary fulfills the requirements and obligations of the position of Registered Officer as defined in the Commonwealth Electoral Act 1918.
- Deputy Secretary (3.2.4)
 - The Deputy Secretary shall, at a minimum:
 - Assist the Secretary with their duties in accordance with this Constitution; and
 - If the Secretary is unable (on a temporary basis) to conduct their obligations under the constitution, the Deputy is to substitute and fulfil those obligations.
- Treasurer (3.2.5)
 - The Treasurer shall, at a minimum:
 - Develop and ensure security and accountability measures for all receipts and payments are followed;
 - Submit an Annual Financial Report to the National Congress, detailing balance sheets, financial statements and relevant particulars;
 - Maintain adequate controls over Party finances and all financial records, documents, securities ensuring smooth transition when position is transferred; and
 - Ensure that all book keeping is conducted by an appropriately skilled person, and all documents conform to relevant legislation and regulations and this Constitution.
 - The Treasurer fulfills the requirements and obligations of the Party Agent as defined in the Commonwealth Electoral Act 1918.
 - The receipt of all monies paid to the Party, the issuing of all receipts and the deposit of such monies into accounts determined by the National Council.

Remove section 2(4)

CAP-7: Require full members to be registered to vote

Put by: Fletcher Boyd

Motion

Add the following paragraph to 4.1(1):

4.1(1)(e) Are registered on the Australian electoral roll.

Rationale

Although new members make a declaration to this effect when joining the requirement is not currently explicitly defined.

CAP-8: Change the member resignation process

Put by: Fletcher Boyd

Motion

Change 4.1(2) from:

A Member's Party membership will not lapse unless the Member resigns from the Party in writing to the National Council, or an applicable membership fee is failed to be paid more than ninety (90) days after their membership period has expired.

To:

A Member's Party membership will not lapse unless the Member resigns from the Party in writing to the Secretariat, or an applicable membership fee is failed to be paid more than ninety (90) days after their membership period has expired.

Rationale

In practice resignations need to be processed by the Secretariat and sending them to the National Council as a whole is unnecessary.

CAP-9: Change the required minuting timeframe

Put by: Fletcher Boyd

Motion

Change 6(7) from:

The minutes of a meeting should be distributed to the Members within seven days of the meeting. The National Council may specify procedures for the collection and dissemination of such minutes.

To:

The minutes of a meeting should be distributed to the Members within fourteen days of the meeting or before the group next convenes, whichever is shorter. The National Council may specify procedures for the collection and dissemination of such minutes.

Rationale

Change the required timeframe from 7 to 14 days unless doing so would adversely affect the next meeting. It is not uncommon for responsible parties to have constraints on their time that preclude shorter returning periods.

CAP-10: Change to National Congress announcement requirements

Put by: Fletcher Boyd

Motion

Change 6.1(3) from:

The National Congress must be announced forty-two (42) days prior to the date of the Congress.

To:

The National Congress must be announced at least forty-two (42) days prior to the date of the Congress.

Rationale

Currently the constitution needlessly specifies an exact date for the announcement.

CAP-11: Clarify Policy Meeting schedule requirements

Put by: Mozart Olbrycht-Palmer

Motion

Amend art 6.3(2) to read:

(2) The Policy Meeting may:

(a) be an independent meeting, (b) coincide with the National Congress, or (c) coincide with another meeting.

Amend art 6.3(3) to read:

(3) A Policy Meeting must always coincide with the Annual National Congress, but additional Policy Meetings may be held as often as deemed appropriate by the National Council.

Repeal art 6.3(4).

Rationale

There was a small amount of confusion as to whether arts 6.3(2) and (3) were inconsistent, as one reading may suggest that the latter requires Policy Meetings to always coincide with the National Congress. This clears up that seeming inconsistency. Art 6.3(4) is repealed as it is incorporated into the new art 6.3(4).

CAP-12A: Freeze quorum

Put by: Mozart Olbrycht-Palmer

Motion

Repeal art 9.1(4)

Preserve the text in art 9.1(1) to read: 'The constitution may only be amended during the National Congress. Amendments require a two-thirds majority vote with a quorum of twenty (20) percent of Members at the time the amendment was proposed.'

Rationale

This will freeze quorum at 20% of members for constitutional amendment proposals. While it is desirable to raise quorum until we reach an ideal point where the maximum number of members that can be reasonably expected to vote are in fact voting. The problem with this is that if we raise quorum to 22% this year, we will not know whether we have exceeded the maximum number of members that will vote until next Congress, where we risk having all amendment proposals defeated for lack of quorum.

CAP-12B: Protective quorum provision

Put by: Mozart Olbrycht-Palmer

Motion

Amend art 9.1(4) to read:

At each subsequent National Congress, the members will vote on whether to raise the quorum in Article 9.1(1) by an additional two (2) percent (eg from 10% to 12% to 14%, etc), unless this would raise quorum above the percentage of members who cast a vote at the previous National Congress. In the event that the Members do not vote in favour of that increase or are prevented by this clause from voting to increase quorum, then this clause will lapse.

Rationale

This is an alternative solution to the problem described in CAP-12A's rationale. This would mean that if 25% of members voted at Congress 2016, and quorum was raised to 22%, the following Congress could raise it to 24%. However, if only 23% voted in 2016, the membership would not be able to raise the quorum to 24% in 2017 because this would exceed the quorum at the previous Congress.

CAP-13: Quorum clarification

Put by: Mozart Olbrycht-Palmer

Motion

If CAP-12A or CAP-12B does not pass, amend art 9.1(4) to read:

At each subsequent National Congress, the members will vote on whether to raise the quorum in Article 9.1(1) by an additional two (2) percent (eg from 10% to 12% to 14%, etc). In the event that the Members do not vote in favour of that increase, then this clause will lapse. This motion may be defeated on the Congress floor as if it were an ordinary constitutional amendment.

Rationale

This makes it clear that the motion to raise quorum can be defeated by debate at the National Congress conference, and would therefore not pass to a full vote of the membership. This would be more flexible but not as certain as CAP-12A or CAP-12B.

CAP-14: Dispute Resolution Committee vacancies

Put by: Mozart Olbrycht-Palmer & Thomas Randle

Motion

Amend art 12(3) to read:

12(3) A member of the Dispute Resolution Committee will cease to hold their position if they notify the National Council in writing of their resignation from the Dispute Resolution Committee or resignation from the Party.

Insert the following clauses after art 12(3) and correct the numbering

12(4) In the event that a member of the Dispute Resolution Committee is unable or unwilling to perform their duties, the National Council may declare the position vacant by a three-quarters majority.

12(5) If a Dispute Resolution Committee member joins the National Council, their Dispute Resolution Committee position must be declared vacant from the date on which the member begins their term on the National Council.

12(6) In the event that a position within the Dispute Resolution Committee becomes or is declared vacant, or remains unoccupied following a National Congress, the National Council must arrange, as soon as feasible, for the election of a replacement by the members with not less than seven (7) days in which nominations may be received, with a voting period on the same terms as clause 6.4.

12(7) If a National Council member joins the Dispute Resolution Committee, their National Council position will be declared vacant from the date on which the member begins their term on the Dispute Resolution Committee, and will be filled in accordance with clause 10.1(6).

Rationale

This provides a method to resolve vacancies on the Dispute Resolution Committee between National Congresses and add a reasonable limitation on those that can serve on the committee.

Formal Motions

FM-1: Position

Put by: Mozart Olbrycht-Palmer

Motion

Adopt the following authorisation process, with the title 'Position statements'

1. Position statements may be drafted at the initiative and under the direction of the Policy Development Committee, or by an individual member.
2. Position statements expand upon and complement the Party platform and policies by
 1. combining parts of separate policies into a statement on a specific issue, or
 2. applying the principles in the Party Constitution, platform and policies to a specific issue.
3. Position statements must not contradict the Party Constitution or existing platform and policies.
4. If drafted by the Policy Development Committee, a position statement must be approved in accordance with the Committee's internal processes.
5. If the National Council votes to adopt a position statement it becomes an official Party document.
6. The National Council may refer a proposed position statement to the Policy Development Committee if the National Council deems it necessary.
7. A position statement that meets the description in subsection (2)(b) must be ratified by the next National Congress after its adoption or it will cease to be an official Party document.

Rationale

The National Council has adopted several [authorisation processes](#) in relation to press releases, public inquiry submissions and designs. These are formal rules to ensure that public statements and promotional materials are accurate, appropriate and meet minimum standards. This is a proposed authorisation statement for position statements.

The Pirate Party has only ever adopted one position statement, in relation to [electoral participation](#). This was a response to negative changes to the electoral laws, that our policies had not anticipated at the time those changes were being made. This proposed authorisation process revives the concept.

Under the proposal, there are two kinds of position statements:

- The first, covered by subsection (2)(a), is a statement that combines parts of separate policies into a single statement on a specific issue. Position statements are intended to be flexible, by allowing the Party to create ad hoc documents which the public can be directed towards if they are interested in a topic that is covered in several policies, and to allow the Party to respond to emerging issues which are not explicitly covered by existing policies, but where the principles and policies point in a clear direction.

- The second, covered by subsection (2)(b), is a statement that expands upon and complements existing policies by applying the Party's principles to a particular issue.

(2)(a) position statements are simply compilations, so this authorisation process provides that they can be adopted by a vote of the National Council, the democratically-elected executive of the party. They will be recorded in the minutes of the National Council and will be made known to the members accordingly.

(2)(b) position statements are more than a mere compilation. Subsection (7) of the proposed authorisation process provides that they can be adopted by a vote of the National Council, but then must be ratified by the National Congress immediately following adoption. This is a safeguard taken from [article 5.2\(2\)](#) of the Party Constitution, where new policy must generally be adopted at the National Congress, or, if otherwise made by the National Council, voted on at the next National Congress. This makes it clear how the rules apply.

If there is a dispute as to whether a position statement goes beyond being a compilation of existing material — (2)(b) or not (2)(b)-that is the question — these can be resolved using the process elaborated in the Constitution, which may involve referral to the Dispute Resolution Committee.

In regard to the other provisions:

- Subsection (1) provides that position statements may, like policies, be drafted by either the PDC or ordinary members.
- Subsection (3) makes it clear that position statements must be consistent with existing materials.
- Subsection (4) ensures that position statements developed by the PDC are to be developed in a manner similar to policies.
- Subsection (5) states the effect of adoption by the National Council.
- Subsection (6) allows the National Council to refer proposals to (or back to) the PDC before adoption.

Policy and Platform Amendment Motions

PM-1: Policy review and update

Put by: Policy Development Committee

Motion

Apply the edits contained in this update of the existing policy

platform:https://pirateparty.org.au/wiki/Pirate_Congress_2016/Motions/Policy_and_Platform/Alternate_Structure

Rationale

PPAU runs a uniquely open policy process. Over the past 3.5 years, members have written almost 60 pages (30,000 words) of policy. While that is a great testament to our process and volunteerism, there is a risk that the sheer amount of policy can get overwhelming and hard to keep on top of. Over time, parts of it may get out of date as things change. Other parts may sink without a trace or draw negative feedback. This is valuable, as feedback makes the policies better - but only if we respond to it.

There are also growing issues with the way the policies are laid out. Some policies, like civil liberties, have grown so large and cover so many sub-topics that they're difficult to read. The split between 'civil' and 'digital' issues has also shredded topics like privacy across multiple policies, making it hard to get a sense of our complete stance.

Every few years, we need to run a deep edit of our policy platform to correct all these accumulated issues.

This edit to the platform contains new policies, but it refreshes some of the existing material in the following ways:

- Splits overly long policies (i.e., civil liberties, tax, environment, foreign affairs) into separate sections (ie, all privacy material has been drawn together and pasted in as its own policy; same with free speech, same with self ownership, etc). Where policies have a link to each other, they have been grouped under larger headings.
- Joins the policy text together on a single platform document. Previously, it was hard to read because the policies were all on separate pages and readers had to click to get to a preamble, then click again from the preamble to read the policy. This page format will be simpler to navigate.
- Removes or updates parts that are obsolete, and reviews the rest for expression and readability.
- Throws in a few more pictures and quotes to break up the 'wall of text'.

Specific changes by policy:

Freedom of speech

- This is the freedom of speech section from civil liberties, copied out and pasted as a standalone policy. It retains all the existing policy content related to speech. There are edits to the preamble text for clarity and to help it work better as a standalone.

Privacy

- This merges all privacy-related content from the former civil liberty and digital liberty policies. There are moderate edits to the preamble text to remove duplication and improve readability. Preamble text now covers recent developments (metadata collection laws).

Justice

- This is the justice section of civil liberties recut as a standalone policy. There is no change to policy content. There are some tweaks to the preamble to help it work better as a standalone policy.

Control over the body

- This is the relevant material from civil liberties, recut as a standalone policy. There is no change to policy content. There is a slight reordering of policy dot points and expanded preamble to make it work as a standalone policy.

Marriage

- Comprises the existing marriage policy, now moved up to stand under the broader civil liberties policy grouping. The preamble text is edited for flow; terminology on “same sex marriage” has been changed to make it more inclusive. A new paragraph has also been added to the preamble better explain the connection with our core themes. No change to the policy text except for removal of a redundant line (the ban on forced unions was in there twice).

Digital rights

- This comprises the remaining parts of the old digital liberties policy. The policy text is unchanged, but the preamble is recut slightly to work as a standalone passage.

Copyright

- No changes.

Culture and media

- “and media” added to the heading so people can more easily locate the public broadcasting section. Removed reference to “asset recycling fund” as a funding source, as this no longer exists. Some slight edits to preamble for readability. Policy text is unchanged.

Patents

- Some edits to the preamble for readability and recent events. Policy content unchanged except for inclusion of more active language and deletion of reference to innovation patents. Deletes reference to innovation patents as these are under review and we should withhold a stance until there is more clarity over their future form.

School education

- Encompasses the school & early childhood parts from the previous education policy. Some tweaks made to the preamble for readability and to work better as a standalone. Policy point on the funding balance between public and private schools has been made more general, as the existing phrasing ("reduce quantum of funding to private schools to match 1996 levels") is too arbitrary and specific.

Universities

- Comprises the university section from the previous broader education policy. Small edits to the preamble to improve clarity.

Science plan

- Comprises the science plan section from the previous broader education policy. Includes updates on funding mechanism as previous policy cited Asset Recycling fund as a source. This source no longer exists, so instead the policy now proposes funding via savings from abolishing drug patents.

Government

- Preamble changed slightly for readability. Removed some policy sections on election debates, electronic voting and election rego costs as these are non-core issues which have not gotten any positive public response in 3 years.

Basic income

- This is the basic income section from the previous tax policy. Preamble has been slightly edited to use the basic income terminology more. An unnecessary point about the medicare levy has been dropped. The section on corporate tax has been removed as member & public feedback doesn't seem very supportive.

Housing affordability & land tax

- This is the state tax reforms section of the previous tax policy. Expanded preamble to work as a standalone (and because there was feedback that this bit needed to be explained more). Slight clarification to policy wording from:
to
- Encourage states to apply differential levels based on per-meter land value to produce optimal builds.
- Encourage states to apply progressive rates and different structures to encourage 'competitive federalism' and optimal tax builds.

Distributed digital currencies

- Tiny edits to preamble for readability. No change to policy.

Fibre to the premises

- No changes.

Climate change and renewable energy

- This is the climate change section from the previous environment policy. Slight tweaks to preamble to work as a standalone, and correction of a typo (should read 70,000 and not 70 GwH).

Ecology and land management

- This is the land management section from the previous environment policy. Slight tweaks to preamble to work as a standalone.

Animal welfare

- Drops the section on live cattle exports. Cattle exports is a non-core issue and our policy keeps getting attacked (unfairly) by animal liberationists. Based on feedback over the last two elections it is better to be open to ideas rather than overly prescriptive on this issue.

Health

- No change to policy. Tiny edits to preamble including changes in NDIS section to refer to users as “clients”. This was recommended by people working in the sector.

War on drugs

- Slight improvements and updates to the preamble (which is nearly 4 years old).

Asylum seekers

- Readability tweaks. Also time period updates as the older version references the situation as it was 3 years ago.

Treaties and diplomacy

- Extracted from the old foreign policy. Tweaks to preamble for readability and to work as a standalone. Long paragraph on aid removed from preamble, as it's covered perfectly well in the policy text.

Defence etc

- Extracted from the old foreign policy. Tweaks to preamble for readability and to work as a standalone. Inserted a clarification on our preferred defence funding level, as this has been requested.

PM-2: Lockout laws

Put by: Policy Development Committee

Motion

Insert into the Culture and media policy, the following point under 'Expand funding and venues for artists':

- Repeal 'lockout laws' and allow venues and pubs more freedom to determine their own opening hours.

Rationale

This issue has become policy-worthy. We should make it clear that we aren't music-hating authoritarians.

PM-3: Federal ICAC

Put by: Policy Development Committee

Motion

Insert into the Government transparency policy, the following point under 'Improve transparency and conduct in Australian politics':

- Establish a Federal anti-corruption authority with powers modeled on ICAC.

Rationale

This idea has gained prominence over the last 12 months, and seems like a no-brainer for PPAU.

PM-4: Sex work

Put by: Policy Development Committee

Motion

Insert into the Control over the body policy the following point:

- Decriminalise sex work and limit police intervention to cases of exploitation and coercion.

Rationale

We have had queries about our stance. This seems like the logical position for a civil libertarian party.

PM-5: Abuse in detention centres

Put by: Policy Development Committee

Motion

Insert into the free speech policy, the following point: under 'Remove counter-productive restrictions on freedom of speech':

- Repeal sections of the Border Force Act which allow for prosecution of whistleblowers who report abuses in detention centres.

Rationale

We should be clear about opposing horrible laws like this.

PM-6: Recent animal welfare issues

Put by: Policy Development Committee

Motion

Insert into the Animal welfare policy the following points:

- Ban cosmetics testing on animals
- Ban 'puppy farming' and unregulated high-volume dog breeding.

Rationale

These things are probably going to happen anyway. We should lead from the front.

PM-7: Creative Works Act

Put by: Policy Development Committee

Motion

Replace the contents of the existing copyright policy with the [Creative Works Act](#), but keep the title 'Copyright' in the platform and policies.

Rationale

This policy, if adopted, would be the most ambitious copyright policy of any party in Australia, if not the world. This is a radical overhaul of the current copyright policy, making it both more direct and more detailed. It succinctly states the problems with contemporary copyright law, and proposes a replacement of copyright with a new, modern system.

PM-8: Codification

Put by: Policy Development Committee

Motion

Insert into the Reform of Democratic Institutions policy the following point under 'Improve transparency and credibility in systems of governance':

- Codify all federal legislation into an administrative code, civil code, commercial code, criminal code and revenue code, and any specialist codes as necessary.

Rationale

The vast majority of the world has all of its laws in a handful of codes. In the United States, all federal laws are contained in the United States Code, which lists provisions under subject-specific titles. The process of shifting toward such a system is called codification, and is an approach favoured across the world, from Continental Europe to Latin America, and Asia to Africa.

The primary advantages of codification are transparency and accessibility: no more consulting thirty different pieces of legislation to determine what is and isn't legal. One example of this being done well in Australia is the Australian Consumer Law, but perhaps the best example is the corporations legislation, which is now essentially contained in just two pieces of legislation. A similar example is the Australian Criminal Code, which contains most — but for some reason, not all — federal crimes.

Separating laws into a limited number of categories allows them to be organised rationally within those categories, and for duplicated, superseded, contradictory and irrelevant laws to be more easily removed. It follows that codification will greatly assist in leading toward a body of law that is simple, accessible, consistent, modern and certain.

Most countries divide their codes into major areas of law, typically criminal and civil, but specific codes are often used. Latin American countries in particular have a tendency to move from decodification to recodification: specialist legislation appears and is then eventually integrated into the existing codes. Examples of specialist codes include those related to employment, intellectual property and consumer protection.

This policy amendment proposes five specific codes which should be sufficient, but would allow for the creation of additional codes if necessary. These might include an environmental code, evidence and procedure code, land and property code, and so on.

PM-9: Abortion

Put by: Policy Development Committee

Motion

Amend the Bill of Rights policy to read:

- The right to control your body and health, including the right to terminate a pregnancy.

Rationale

Our policy on abortion is to 'Extend protections within the Victorian Abortion Law Reform Act 2008 nationwide, to provide baseline legal abortion services'. This amendment makes it a constitutional right and brings it to greater prominence within our policy set.

PM-10: Versioning of legislation

Put by: Policy Development Committee

Motion

Amend the Reform of Democratic Institutions policy by adding the following points under the heading "Improve transparency and credibility in systems of governance":

- Make all legislation accessible and searchable online with the ability to compare selected revisions side-by-side to see the differences.
- Make all bills accessible and searchable online with the ability to view proposed amendments in the context of the legislation being amended.

Rationale

It is currently very difficult to see how legislation has changed over time. This is despite the fact that tools like wikis exist which allow direct comparisons of past and present versions of documents. Although AustLII does provide historical copies of legislation, it leaves a lot to be desired as a free, non-government resource — there is no direct means to compare current legislation with earlier versions. This policy would resolve that issue.

Secondly, as anyone who has tried understanding legislative amendments would know, it is not immediately apparent what changes a bill makes without flipping through the various acts it amends and trying to understand the context. This policy would allow the public to see legislative amendments in context and determine whether representations that have been made about their effect are accurate.

PM-11: Gun Control

Put by: Policy Development Committee

Motion

Amend the Civil Liberties policy to add the following sections on Gun Control as detailed

at: https://pirateparty.org.au/wiki/Pirate_Congress_2016/Motions/Policy_and_Platform/Civil_Liberties_Gun_Control

Rationale

It is surprising how often we are asked for our position on this issue. This formalises our stance to support the current laws and status quo.

PM-12: Prison Reform

Put by: Policy Development Committee

Motion

To accept the proposed Prison Reform

policy https://pirateparty.org.au/wiki/Pirate_Congress_2016/Motions/Policy_and_Platform/Prison_Reform

Rationale

As per the policy preamble:

- Reducing the net amount of crime in our country must be a primary long-term goal of our criminal justice system. Although many would argue that has always been the case, Australia's approach to achieving that goal has historically been based on the notion that fear of punishment will stop people from committing crimes. In practice, fear is a poor motivator. Fear cannot direct good behaviour — it can only compete with the other immediate threats in a criminal's life.
- Except for the perpetrators of the most heinous crimes, we know that most convicted criminals will eventually be released back into the community. Knowing that they might be your neighbour, would you like them to have experienced years of dehumanising and degrading treatment with limited to no possibility of self-improvement, or would you prefer your new neighbour to have been educated, to have acquired social skills, to be integrated with the community, to have gainful employment and to have a purpose in life?
- The Pirate Party finds the latter is preferable.

PM-13: Transgender and Intersex issues

Put by: Policy Development Committee

Motion

Amend various policies to address transgender and intersex issues as detailed at https://pirateparty.org.au/wiki/Pirate_Congress_2016/Motions/Policy_and_Platform/Transgender_and_Intersex_Issues

Rationale

See following *Position Statement* & accompanying motion.

Position Statements

PS-1: Transgender and Intersex issues

Put by: Policy Development Committee

Motion

Ratify the Transgender and Intersex issues Position Statement https://pirateparty.org.au/wiki/Pirate_Congress_2016/Motions/Position_Statements/Transgender_and_Intersex_Issues

Rationale

The issues affecting transgender and intersex persons, cut a narrow swath across a large number of Pirate Party Australia policy areas. These issues are frequent sources of public enquiry. This policy statement outlines the concerns, followed by a cross reference to related inclusions in other policy statements.

Amendments to the Civil Liberties policy

Add the following section to the Preamble:

Gun Control

To clarify a frequently asked question of policy, Pirate Party Australia supports the National Agreement on Firearms (1996)^[1]. The agreement does not unreasonably restrict personal liberty in the use or ownership of firearms for legitimate purposes, while insisting on standards to ensure basic community safety and to limit proliferation into criminal enterprise.

Add the following section to the Policy Text:

2.6 Gun Control

- Pirate Party Australia supports the 1996 National Agreement on Firearms^[2].

References

1. [Jump up↑ http://www.loc.gov/law/help/firearms-control/australia.php](http://www.loc.gov/law/help/firearms-control/australia.php) National Agreement on Firearms (1996)
2. [Jump up↑ http://www.loc.gov/law/help/firearms-control/australia.php](http://www.loc.gov/law/help/firearms-control/australia.php) National Agreement on Firearms (1996)

Prison Reform

Preamble

Reducing the net amount of crime in our country must be a primary long-term goal of our criminal justice system. Although many would argue that has always been the case, Australia's approach to achieving that goal has historically been based on the notion that fear of punishment will stop people from committing crimes. In practice, fear is a poor motivator. Fear cannot direct good behaviour — it can only compete with the other immediate threats in a criminal's life.

Except for the perpetrators of the most heinous crimes, we know that most convicted criminals will eventually be released back into the community. Knowing that they might be your neighbour, would you like them to have experienced years of dehumanising and degrading treatment with limited to no possibility of self-improvement, or would you prefer your new neighbour to have been educated, to have acquired social skills, to be integrated with the community, to have gainful employment and to have a purpose in life?

The Pirate Party finds the latter is preferable.

The cost of crime in Australia

Crime costs Australia \$36 billion per year, or about 4.1% of our gross domestic product.^[1] The total net expenditure on corrective services alone was approximately \$3 billion between 2007 and 2008 — \$138 for every person in Australia.^[2]

Prisoner information

A brief look at basic statistics on Australia's prison population provide an insight into the causes of recidivism — why prisoners are likely to reoffend and return to prison. One-third of all prison entrants have not completed Year 10, over two-thirds report that they have used illicit drugs in the last twelve months, just over a quarter had employment organised to begin within two weeks of release, and nearly half expect to be homeless.^[3] Nearly half have been told by a health professional that they have a mental health disorder, and more than a quarter report being on medication for a mental health disorder.^[4] The National Indigenous Drug and Alcohol Committee reports that half of all children born with foetal alcohol spectrum disorder in Australia as a result of alcoholic mothers will end up in prison.^[5] These conditions are a recipe for recidivism, and experience bears this out — the Australian Institute of Criminology reports that about two-thirds of prisoners will have been previously imprisoned.^[6]

Meaningless soundbites

Contemporary Australia is one of the safest places in the world, but public perception has been distorted by years of media sensationalism. The fear and paranoia created results in every politician needing to declare themselves to be "tough on crime" in order to get elected. "Tough on crime" is a meaningless soundbite, a slogan that represents short-term, shallow thinking about punishment rather than systematic strategies to steadily reduce crime over time and produce more productive and peaceful citizens. Politicians who appear to be spending taxpayers' money on convicted criminals are "exposed" for being too lenient to perpetrators and disrespectful to victims and their families, and run the risk of losing their next election. Despite numerous reports of Royal Commissions and Parliamentary Committees recommending against increased imprisonment, government policies never change.^[7]

Do longer sentences reduce crime?

Longer sentences do deter crime — up to a point.^[8] There is strong evidence that increasing the certainty of punishment deters crime,^[9] but that increasing the length of sentences only deters crime where the initial sentence was short — criminals do value the future, just not as much as the average person.^[10]

Is Australia already rehabilitating prisoners?

Legislation in Australia is inconsistent when it comes to the delivery of rehabilitative services at the state, territory and federal levels.^[11] In the rare instances where a cohesive legislative commitment can be identified, the legislation is fragmented, with the focus varying between corrections, sentencing, parole programs or court administration. The Australian Institute of Criminology suggests that uniform legislation setting out a generally-accepted understanding of the purposes of rehabilitation and how best to achieve it may remedy this situation.

Does rehabilitation work?

The most effective forms of prisoner treatment are skill-oriented, based on a behavioural or cognitive-behaviour theoretical model and multi-modal.^[12] Skills-based programs directed at improving cognitive and

employment skills work far better in terms of prisoner rehabilitation than casework and individual or group counselling, and are associated with reduced problem behaviours.

Social impact bonds

The lack of political will to invest in effective rehabilitation strategies can be countered with 'social impact bonds'^[13].

Social impact bonds are an arrangement under which a private business is assigned large randomised batches of prisoners prior to or after release and provides them with whatever reform and rehabilitation services they deem necessary to successfully reintegrate the newly released prisoners. Social impact bonds cover a diverse range of tailored services that are designed to reduce recidivism, and consequent government savings from reduced re-offending are used to pay for this service. If no improvement is made amongst their assigned batch of released prisoners, then the business receives no payment, but if recidivism is reduced and therefore the cost of law enforcement, corrective services and the crimes themselves are reduced as a result, some contractually agreed proportion of that saving is paid to the social impact bond service provider.

In the worst case scenario where no improvement is made, it costs the government nothing.

In the best case scenario, recidivism is reduced, tax paying citizens are created, considerable savings are made, the rates of crime drops, and former prisoners are successfully reintegrated into the workplace and society in general becomes a safer community.

Private prisons — a huge conflict of interest

Private corporations by definition, must strive to increase revenue and profits for their shareholders. Public/private enterprises can be good or bad, depending on how they are structured. The structured arrangement described under "Social Impact Bonds" above is an excellent example of a public/private contract structured in the interests of public good. However, a contractual structure where private corporations own and run prisons as a service to government will inevitably create a conflict of interest. The business will want to grow and therefore it will want to run more prisons and service more prisoners. This is the opposite of the most desirable outcome for the people of any nation — we want less crime, and a corresponding reduction in both prisons and prisoners.

Policy text

Provide options for alternative sentencing for non-violent offenders

- Support alternative non-custodial sentencing options including weekend detention and home arrest with ankle monitors.
- Optimise sentencing times based around solid research into the effectiveness of sentence times as a deterrent.
- Increase the focus on community service as a form of repayment to society.

Improve incentives for prisoners to undergo rehabilitation and reform

- Institute in-prison, skill oriented rehabilitation programmes, based on a cognitive-behaviour theoretical model.

- Trial a programme in which low-risk prisoners can undertake paid employment, with part of their income being given to a victims of crime fund and the remainder being held for the prisoner until their release.
- Allow prisoners' non-parole periods to be reduced by working, promotions and increasing skill levels where appropriate.

Trial social impact bonds

- Run a social impact bond trial for prisoner rehabilitation and reintegration, including an independent academic evaluation of its effectiveness.

Reduce causes of offending and reoffending

- Implement a [basic income](#) to reduce motivators for crime and ensure that released prisoners have a source of income on release.
- Decriminalise and legalise [illicit drug use and possession](#), eliminating the majority of non-violent, victimless crimes.
- Direct investment toward [expanded accommodation services for mentally ill people facing homelessness](#) to prevent them from ending up in prison.
- Improve the [education system](#) to teach more basic 'life skills' as a way to curb re-offending.
- Prohibit the use of private prisons and decommission existing private prisons when existing contracts expire.

References

1. [Jump up↑ http://www.aic.gov.au/crime_community/communitycrime/costs.html](http://www.aic.gov.au/crime_community/communitycrime/costs.html) Australian Institute of Criminology - Costs of crime
2. [Jump up↑ http://www.aic.gov.au/publications/current%20series/facts/1-20/2009/7%20criminal%20justice%20resources.html](http://www.aic.gov.au/publications/current%20series/facts/1-20/2009/7%20criminal%20justice%20resources.html) Australian Institute of Criminology - Criminal justice resources
3. [Jump up↑ http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129543945](http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129543945) The Health of Australia's Prisoners, 2012
4. [Jump up↑ http://www.aihw.gov.au/prisoner-health/mental-health/](http://www.aihw.gov.au/prisoner-health/mental-health/) Mental health of prison entrants
5. [Jump up↑ http://www.aph.gov.au/DocumentStore.ashx?id=38c1530e-1415-48cd-a788-46d0f7b59745&subId=252216](http://www.aph.gov.au/DocumentStore.ashx?id=38c1530e-1415-48cd-a788-46d0f7b59745&subId=252216) Addressing fetal alcohol spectrum disorder in Australia
6. [Jump up↑ http://www.aic.gov.au/media_library/publications/rpp/80/rpp080.pdf](http://www.aic.gov.au/media_library/publications/rpp/80/rpp080.pdf) Australian Institute of Criminology "Recidivism in Australia findings and future research, by Jason Payne
7. [Jump up↑ http://www.justiceaction.org.au/index.php?option=com_content&view=article&id=795&Itemid=1019](http://www.justiceaction.org.au/index.php?option=com_content&view=article&id=795&Itemid=1019) Justice Action Website - Failure of Imprisonment
8. [Jump up↑ http://www.economist.com/blogs/freeexchange/2016/03/criminal-justice?fsrc=scn/tw/te/bl/ed/criminaljusticelongerjailsentencesdodetercrimebutonlyuptoapoint](http://www.economist.com/blogs/freeexchange/2016/03/criminal-justice?fsrc=scn/tw/te/bl/ed/criminaljusticelongerjailsentencesdodetercrimebutonlyuptoapoint)
9. [Jump up↑](#) Steven N Durlauf and Daniel S Nagin, 'Imprisonment and Crime' (2011) 10(1) *Criminology & Public Policy* 13.
10. [Jump up↑](#) Giovanni Mastrobuoni and David A Rivers, 'Criminal Discount Factors and Deterrence' (Working Paper, Royal Economic Society, 7 February 2016).

11. [Jump up↑ http://www.aic.gov.au/media_library/publications/rpp/112/rpp112.pdf](http://www.aic.gov.au/media_library/publications/rpp/112/rpp112.pdf) Prison-based correctional offender rehabilitation programs: The 2009 national picture in Australia
12. [Jump up↑ http://acea.org.au/wp-content/uploads/2015/04/Mckenzie-Doris-paper.pdf](http://acea.org.au/wp-content/uploads/2015/04/Mckenzie-Doris-paper.pdf) What Works in Correctional Education? by Doris Layton MacKenzie, Ph.D. The Pennsylvania State University"
13. [Jump up↑ http://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR1166.pdf](http://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR1166.pdf) Lessons learned from the planning and early implementation of the Social Impact Bond at HMP Peterborough

Further Reading not included in policy

[Michael Moore on Norways prison system](#)

[Incarceration Within American and Nordic Prisons: Comparison of National and International Policies](#)

[Why Scandinavian Prisons Are Superior](#)

[Sweden's Remarkable Prison System Has Done What the U.S. Won't Even Consider](#)

"The United States has the highest incarceration rate in the world: It has only 5% of the world's population, but one-quarter of its prisoners."
- It would probably be best if we chose not to copy that.

Transgender and Intersex Issues

Amendments to existing policies

Bill of Rights policy

Insert 'sex,' after 'including gender, age,' in the policy point 'Guarantees freedom from discrimination by government, based on any arbitrary or generalised condition, including gender, age, sexual orientation, race, religion (or lack thereof), social sub-cultural and political affiliation'.

Asylum Seekers and Refugees policy

Insert the following points under a new heading titled 'Change immigration and asylum seeker processes regarding claims of gender, sex and orientation based oppression':

- Implement Kaleidoscope Australia's *Guide to Best Practice in Determining Applications for Refugee Status Based on Sexual Orientation, Gender Identity and Intersex Grounds*:^{[11](#)}
 - Provide training for immigration on gender, sex and orientation variations context, including privacy needs and processes.
 - Inform asylum seekers of the need to state the basis of their claim early, even if that does not mean they are required to substantiate it at that time.
 - Assign advocates that speak the asylum seekers' languages.
 - Implement protocols and processes for managing privacy, including not making it obvious that additional privacy measures are being taken in specific cases.

- Only use medical professionals to establish the truth of claimed personal conditions. Regular customs officers are not qualified for this.

Prison Reform policy

Insert the following points under a new heading titled 'Transgender prisoners':

- Ensure transgender prisoners are placed in the correct prisons according to their preferred gender, based on assessment and certification by trained medical and psychiatric professionals.^{[2][3]}
- Ensure transgender prisoners who were undergoing hormone replacement therapy prior to imprisonment are able to continue their treatment while detained.

Health policy

Insert the following points under a new heading titled 'Improve treatment of transgender and intersex persons':

- Adopt United Kingdom National Health Service recommendations as a starting point for treatment approach to transgender persons,^[4] and specifically WPATH^[5] with practice guidelines sourced from the Royal College of Psychiatrists.^[6]
- Extend Medicare to the long-term coverage of hormone replacement therapy, and sexual reassignment surgery where recommended by medical and psychiatric professionals.
- Prohibit normalising surgery for intersex infants and children unless medically necessary (as determined by the Family Court), pending informed individual consent as an adult.^[7]

Education policy

Insert the following points under the heading 'Foster well-funded, dynamic and secular public schools':

- Endorse the right of schools to access the Safe Schools education programmes.^[8]
- Extend the Safe Schools programme by bringing in Safe Schools representatives to engage with recurring bullying problems and the individual students involved.

Civil Liberties policy

Insert the following point under the heading 'Enshrine freedom over the body in law':

- Adopt the current conventions used in New Zealand for gender identify change, under which a non-binary gender option is available for passports and can be changed with a simple application.^[9]

Position Statement

The issues affecting transgender and intersex persons, cut a narrow swath across a large number of Pirate Party Australia policy areas. These issues are frequent sources of public enquiry. This policy statement outlines the concerns, followed by a cross reference to related inclusions in other policy statements.

The diversity of and within gender is still little understood and accepted in wider society, which can cause all sorts of problems. Social, bureaucratic and possible medical challenges of transitioning from the gender one is assigned to at birth to the gender one identifies with are exacerbated by prejudice and

discrimination in most levels of society, even family and close friends. As a consequence, the issues transgender people face are much like those that gay population were and are still facing: being beaten, thrown out of home, losing work and many other issues. The prevalence of male to female transsexualism is estimated to be in the range of 1:250 to 1:200, in the general population ^[10]

Being transgender isn't just a case of feeling attracted to what society deems the wrong gender, it is people assuming from your birth that you are something other than you, some people feel for a long time "Something isn't right, but I don't know what" and some people go along the lines of "I wish I was a girl/boy/different gender" then finding out either sooner or later it is possible. Trying to differ from what society has deemed your gender at birth to be, causes momentous challenges for people in such situations.

One of the first question asked when a baby is born is whether it's a boy or girl. One of two answers is usually given, based on physical appearance; male or female. The newborn is assigned a sex, which is consequently formalised in the official identity documents of the newborn. This predominant culture of categorising newborns into one of two sexes, with their associated genders, can cause several issues in a person's life.

Gender Divergence

Some people realise sooner or later that they don't identify with the gender associated with the sex assigned to them at birth, i.e. if their gender 'diverges' from their assigned sex. These transgender (or transsexual, non-binary, agender,...) people suffer from being put into a metaphorical box they don't belong in by society, which can cause psychological issues from an early age. When they decide to transition to another gender to show their true or newly found identity, they often face discrimination and violence even by those closest to them.

While it would by far not solve all issues for intersexed and transgender people, removing the requirement for an assigned sex would benefit many people in society. The shift needs to be more than just a formality though. There needs to be a shift in how gender is understood: differentiated in people's understanding from a person's sex. At the same time, understanding of both sex and gender needs to be expanded from a strict binary, both medically and in wider society. Need to be able to have legally-recognised gender changed without sexual-reassignment-surgery as a mandatory prerequisite once it is decided that you are suffering gender dysphoria, surgeries are no longer elective (ie, will be covered by Medicare).

Intersex Conditions

Some people are born intersexed. This often means that they have primary sex characteristics from both the male and female sexes or other sex traits which may appear to stem from either end of the sex spectrum. Some intersex conditions are discovered soon after birth, while others might take years to discover. In either case, 'corrective' surgery may be proposed and secrecy of the condition is frequently recommended. It is our view that medical interventions of conditions which do not harm a person's health should be outlawed until the person with the condition is of an age where they can consent to the procedure. People born intersexed should not be made to feel ashamed of their condition.

References to Policy Text covering Transgender and Intersex issues

- Support [constitutional recognition](#) of the equality of gender- and sex-diverse people.

- Abolish [patents on pharmaceutical drugs](#), which will dramatically reduce the cost of perpetually overpriced drugs that may be a lifelong requirement for transgender people.^[11]
- Implement [fair and respectful processing of asylum seekers](#) fleeing oppression for their gender, sex or orientation.
- Reform the [prison system](#) to include diverse gender-appropriate prison assignment and hormone replacement therapy continuation.
- Remove legal definitions of "marriage" and [recognise the civil union of any two persons](#).
- Improve the [treatment of transgender persons](#) in the public health system.
- Endorse and extend the [Safe Schools programme](#).
- Simplify the [process of changing gender in official identification documents](#).

References

1. [Jump up↑ http://www.kaleidoscopeaustralia.com/wp-content/uploads/2015/06/Best-Practice-Guide-22nd-June-2015.pdf](http://www.kaleidoscopeaustralia.com/wp-content/uploads/2015/06/Best-Practice-Guide-22nd-June-2015.pdf) Kaleidoscope Australia - Best Practices Guide
2. [Jump up↑ http://www.independent.co.uk/news/uk/crime/transgender-woman-vicky-thompson-found-dead-in-leeds-male-prison-a6741086.html](http://www.independent.co.uk/news/uk/crime/transgender-woman-vicky-thompson-found-dead-in-leeds-male-prison-a6741086.html) Transgender woman Vicky Thompson found dead in Leeds male prison
3. [Jump up↑ http://www.news.com.au/world/europe/fears-for-safety-of-transgender-woman-tara-hudson-after-she-is-sent-to-allmale-prison/news-story/fce5093cc26c020b7f7d637d277f6b4c](http://www.news.com.au/world/europe/fears-for-safety-of-transgender-woman-tara-hudson-after-she-is-sent-to-allmale-prison/news-story/fce5093cc26c020b7f7d637d277f6b4c) Fears for Trans woman, Tara Hudson, after she's sent to all male prison.
4. [Jump up↑ http://www.nhs.uk/Conditions/Gender-dysphoria/Pages/policy-guidelines.aspx](http://www.nhs.uk/Conditions/Gender-dysphoria/Pages/policy-guidelines.aspx) UK NHS, Gender dysphoria - Guidelines
5. [Jump up↑ http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351](http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351) World Professional Association for Transgender Health - The Standards of Care
6. [Jump up↑ http://www.rcpsych.ac.uk/files/pdfversion/CR181_Nov15.pdf](http://www.rcpsych.ac.uk/files/pdfversion/CR181_Nov15.pdf) Royal College of Psychiatrists - Good practice guidelines for the assessment and treatment of adults with gender dysphoria.
7. [Jump up↑ http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Involuntary_Sterilisation/Sec_Report/b01](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Involuntary_Sterilisation/Sec_Report/b01) Recommendations of the parliamentary committee on "The involuntary or coerced sterilisation of people with disabilities in Australia"
8. [Jump up↑ http://safeschoolshub.edu.au/safe-schools-coalition-australia-resources](http://safeschoolshub.edu.au/safe-schools-coalition-australia-resources) Safe Schools Programme
9. [Jump up↑ http://www.wclc.org.nz/wp-content/uploads/How-to-change-your-name-and-gender-under-New-Zealand-law.pdf](http://www.wclc.org.nz/wp-content/uploads/How-to-change-your-name-and-gender-under-New-Zealand-law.pdf) How to change your name and gender under New Zealand law
10. [Jump up↑ http://www.gendercentre.org.au/resources/polare-archive/archived-articles/how-many-of-us-are-there.htm](http://www.gendercentre.org.au/resources/polare-archive/archived-articles/how-many-of-us-are-there.htm) Gender Centre: How Many of Us Are There?
11. [Jump up↑ http://www.drugpatentwatch.com/ultimate/generic-api/testosterone](http://www.drugpatentwatch.com/ultimate/generic-api/testosterone) Drug and Patent Watch - testosterone

Pirate Congress 2016/Motions/Policy and Platform/Alternate Structure

Contents

- [1 Declaration of platform and principles](#)
- [2 Civil and digital liberties](#)
 - [2.1 Freedom of speech](#)
 - [2.2 Privacy](#)
 - [2.3 Justice](#)
 - [2.4 Control over the body](#)
 - [2.5 Marriage](#)
 - [2.6 Digital access](#)
 - [2.7 An Australian Bill of Rights](#)
- [3 Culture and creative works](#)
 - [3.1 Copyright](#)
 - [3.2 Culture and media](#)
- [4 Education and innovation](#)
 - [4.1 Schools and early education](#)
 - [4.2 Universities](#)
 - [4.3 A streamlined patent system](#)
 - [4.4 A national Science Plan](#)
- [5 Democracy](#)
 - [5.1 Government transparency](#)
 - [5.2 Citizens' initiatives](#)
 - [5.3 Recognition of Aboriginal and Torres Strait Islander Peoples and prohibition of racial discrimination](#)
- [6 Economic reform](#)
 - [6.1 Merger of tax and welfare systems, and establishment of a basic income](#)
 - [6.2 State reforms: housing affordability and the land value tax](#)
 - [6.3 Distributed digital currencies](#)
- [7 Infrastructure](#)
 - [7.1 Support for fibre-to-the-premises infrastructure projects](#)
- [8 Environment](#)
 - [8.1 Climate change and renewable energy](#)
 - [8.2 Land management and ecology](#)
 - [8.3 Animal welfare](#)
- [9 Health](#)
 - [9.1 Transparent, efficient health services](#)

- [10 Law and order](#)
 - [10.1 An end to the war on drugs](#)
- [11 Foreign policy](#)
 - [11.1 Treaties](#)
 - [11.2 Defence, diplomacy and aid](#)
 - [11.3 Asylum seekers and refugees](#)
- [12 References](#)

Declaration of platform and principles

Pirate Parties have been founded all over the world with a shared purpose: to protect civil and digital liberties and create a more inclusive and creative culture. We seek to build a vibrant digital society in Australia, underpinned by freedom of culture and speech, personal privacy, institutional transparency, creativity and enterprise.



The following platform presents a detailed blueprint of reforms which implement these principles. The reforms include:

- Greater protection for speech, privacy, and personal sovereignty;
- An end to the encroachment of stifling intellectual and state monopolies and creation of a freer and more participatory culture;
- Educational reforms with a focus on developing creativity and life skills;
- State systems which embody principles of secularism and non-discrimination;

- Improved government transparency and a re-casting of state institutions: we seek a state which supports and enables, rather than one which controls and constrains;
- A simpler tax code and basic income guarantee which removes disincentives from the poor and increases the rewards for work, enterprise and efficiency;
- Greater transparency and respect for human rights in our international engagement;
- Investment in digital connectivity, community-based clean energy generation, and a strong national science plan - the critical components of an innovative 21st century economy.

Our policies focus on opening up space for creative civil society rather than expanding the state: consequently, the financial cost of our reforms is minimal and wholly offset by savings encompassed within the policies themselves.

As part of an international movement, we seek not only to reform national laws, but to reform perceptions and effect worldwide change. We seek to bring about change democratically, through activism, lobbying and parliamentary elections.

Civil and digital liberties

Freedom of speech

The greatest reformers, scientists and philosophers in history started out as heretics. Challenges to dogma and consensus built the enlightenment and created a world in which ideas could be attacked in place of people. Speech is the cornerstone of the enlightenment and the safeguard for all other liberties, protecting not just the right to speak, but the right to hear and judge the ideas of others. Free speech underpins our ability to think, create, innovate and progress.

Pirate Party Australia does not believe that regulating opinions is a legitimate function of the state. Advocates of censorship make a fundamental historical error in assuming that hateful speech is a force which only censorship can defeat. History shows the reverse to be true: racism has lost power and become socially unacceptable because the counter speech proved to be far more powerful. Racism and other forms of hate face certain defeat the battle of ideas. Moreover, they have lost their sway most rapidly in the most free societies.

Anything which prevents the expression of bad ideas also prevents the process by which we educate ourselves out of them. Banning words or arguments that offend particular groups does not improve social harmony; rather, it encourages everyone to take offence and pursue adversarial responses. Censorship systems invariably spread once they have been introduced: in Australia, governments have sought to expand existing censorship laws to restrict criticism of religion and political opinion^{[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)}, and successfully extended counter-terrorism speech laws to gag whistleblowers reporting in the public interest. Once the right of governments to regulate speech is accepted, any and all minorities may be targeted merely as a result of shifts in public opinion or political whim. In this way, censorship endangers the crucial minority rights and protections on which a healthy democracy depends.

The implications of censorship also spread beyond Western countries. When bans on offensive dialogue are imposed in the West, it helps oppressive regimes elsewhere to justify much harsher crackdowns on activism and dissent. The mere existence of censorship laws thus serves the interests of abusive power all

around the world. We do not believe that oppression can be reduced by the use of a blunt instrument which has played a part in every form of state oppression throughout history. The failure of states such as the Weimar Republic—which operated under a morass of hate speech laws—illustrate the deep risks of pushing hateful speech underground instead of airing and exposing it in debate.

Pirate Party opposes digital censorship for the same reasons it opposes traditional censorship. We will seek to repeal all existing architecture for internet censorship—including the patchwork “Refused Classification” content designation,^[7] as well as Section 313 of the Telecommunications Act, which has been used by officials to block access to around 250,000 legitimate websites to date.^{[8][9][10]} The internet interprets censorship as damage and routes around it. A far simpler option is to avoid inflicting damage in the first place.

Pirate Party Australia supports laws against direct threats and attempts to incite physical harm. However, we seek to bring an end to state censorship of opinions through the following reforms:

Enhance protections for freedom of speech

- Legislate the International Covenant on Civil and Political Rights into law.
- Reform classification and classification review boards.
 - Implement a co-regulatory classification model where industry classifies their own content and Government works with industry to determine classification ratings.
 - This system would be akin to European PEGI model or American ESRB model of voluntary classification for media.
 - Restrict unclassified content for sale to adults only.
 - Ensure classification guidelines are published, in accordance with the principle that a classification scheme should be used for consumer awareness and not censorship.
 - Abolish the Refused Classification (RC) rating from the classification system.
 - Content that is illegal under the law would continue to be disallowed for sale, distribution or presentation.
 - Change the role of the Classification Board to be an advisory and review role.
- Ensure the government and its representatives provide vigorous defence of free speech in international forums and negotiations.
- Offer a referendum for a bill of rights focused on individual liberties including speech and assembly (see Bill of Rights policy).

Remove counter-productive restrictions on freedom of speech

- Repeal anti-sedition clauses (schedule 7) from 2005 Anti-Terrorism Act ^[11].
- Abolish residual blasphemy laws.
- Repeal state laws which grant governments the unilateral power to restrict freedom of assembly for specific organisations.
- Repeal section 18C of the Racial Discrimination Act^[12], ensuring that pre-existing common law protections are sufficient to manage all cases of intimidation and harassment.

- Repeal the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007 ^[13].
- Repeal the Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 1999/2001.
- Repeal censorship and web-blocking clauses from the National Security Legislation Amendment Bill (No.1) 2014 ^[14]
- Repeal internet censorship clauses from the Broadcasting Services Amendment (Online Services) Act 1999 ^[15].
- Repeal content prohibition clauses from the Communications Legislation Amendment (Content Services) Act 2007 ^[16].
- Delete section 313 of the Telecommunications Act ^[17].
- Ensure no criminal offence applies for linking on the Internet.

[Return to contents](#)

Privacy

Privacy is an essential underpinning of human dignity. It encompasses not just physical privacy, but the freedom to control your cultural presence, and manage the information and identity that surrounds you. The fundamental balance of power between citizens and their government is altered when states or their representatives have the power to abolish privacy. We need to resist a world in which every action, everything said, and every act of creativity and exploration is recorded. A free and trusting society cannot exist without the protection of a person's private life. ^{[18][19]}

Those arguing against a right to privacy because they have "nothing to hide" don't understand the fundamental nature of rights. Nobody needs to justify why they need a right; the burden of proof falls solely on those seeking to infringe it. An individual can forfeit their own rights, but they cannot forfeit the rights of others.

The snoopers' honeypot

Metadata retention laws force ISPs to collect a vast database of information on their customers. This includes records of all emails sent and received, websites visited, locational information from phones, and much more. Data is stored for two years, allowing immense amounts of detail on the private lives of individuals to be perused by the state without any judicial oversight. This is a honeypot not just for officials, but for hackers and criminals. Mass surveillance does not prevent terrorism or aid in combating it. ^{[20][21]} But it does create a terrible precedent for state intrusion into every corner of private life and civil society. EU courts have thrown out similar schemes due to their gross incompatibility with basic rights; that this hasn't happened here is testimony to the inadequacy of Australian privacy laws.

Threat to privacy are not merely domestic. Australians are also subject to an array of secret, warrantless monitoring conducted from overseas, and the results are routinely shared with Australian authorities. Overseas monitoring gathers data on emails, chats, photographs, documents and website addresses visited by Australian citizens. ^{[22][23][24]} The use of overseas channels to gather data allows even the small domestic protections Australians have to be bypassed.

Although overturning mass surveillance is paramount in the near term, there are also longer term reforms which should be made. Tougher legislative requirements should apply to organisations which retain data, and improved options should exist for individuals seeking to protect their personal privacy. We believe a privacy tort should also be introduced to curb intrusions and prevent misuse of private information.

Pirate Party Australia would seek the following improvements to protect Australia's privacy:

Remove immediate threats to privacy

- End warrantless monitoring of internet use among the general public.
 - Oppose and repeal legal mechanisms enacted to create records of Internet use among the general public.
 - Records obtained through such schemes to be securely deleted.
 - Repeal the Cybercrime Act.^[25]
 - Conduct an independent review of the Telecommunications Interception and Access Act ^[26] to ensure digital liberties are properly protected.
 - Ban any future collection of phone or internet metadata without a warrant.
 - Cease information sharing with overseas agencies who collect private data on Australians without meeting Australian protections and laws.
 - Re-focus anti-terrorism practice on alternative methods including informants and targeted infiltration.
- Ensure individuals have a legally protected right to control data collection on devices they own.
 - Control should cover duration data is retained for, encryption and sending of data, and when data is deleted.
- Ensure no penalties apply to individuals who refuse to provide passwords or assist in decrypting information (in line with existing legal practices regarding self-incrimination).
- Repeal the National Security Legislation Amendment Bill (No.1) 2014 ^[27].
- Repeal the Intelligence Services Legislation Amendment Bill 2011 ^[28]

Raise the floor for privacy protection in Australia

- Enact higher privacy standards for entities holding private data.
 - Ensure entities complete Privacy Impact Assessments (PIAs) encompassing binding data security safeguards.
 - Require government agencies and private organisations to report data breaches.
 - Subject substance testing in the workplace to mandatory PIAs with requirement for consultation with affected persons and assessment of whatever risks the testing is intended to address.
 - Provide affected persons with explicit information on purpose of the tests, procedures to be employed, and use of information.
- Enact additional protection for individual privacy in the public sphere.
 - Institute recommendations from the Australian Privacy Foundation on providing a right to recourse following an invasion of privacy.^[29]

- Subject publication of private data in the media to a public interest threshold, ensuring no restrictions apply where reporting is consensual or relevant to performance of public office, corporate or civil society, credibility of public statements, illegal, corrupt or anti-social behaviour, or a significant event.
 - Apply complaints mechanisms and legal sanctions where the public interest threshold is not met.
- Ensure the office of the Privacy Commissioner is subject to periodic performance and function reviews by a member of the judiciary.
 - Provide a legal right for members of the public to appeal Privacy Commissioner decisions.
- Institute tighter controls and accountability covering use of visual surveillance.
 - Require organisations conducting surveillance to state the purpose of surveillance and identify recipients of surveillance information, with mandatory periodic destruction of surveillance material.
 - Require judicial oversight of undisclosed surveillance in public or private places.
- Establish expert panel to review the adequacy of laws and legal protections applying to the collection, use and storage of biometric data.
- Remove body scanners from Australian airports.
- Implement the Australian Privacy Foundation recommendations^[30] to create a single tort covering both intrusion into seclusion and misuse of private information.^[31]
 - Ensure tort is subject to a public interest test and is actionable only by natural persons.^[32]
 - Ensure the tort is prescriptive in defining high- and low-water marks for examples or classes of acts that are or aren't covered, in order to reduce potential conflict between freedom of speech and privacy.^[33]
 - Discretion in interpreting objectives of the tort would otherwise be left to courts.
 - Allow action by aggrieved parties, their family or estate, or by relevant commissions for up to a year from the point of discovery, with remedies to include damages, apologies and injunctions.

[Return to contents](#)

Justice

As a general rule, legal systems should always err on the side of civil liberty and the presumption of innocence. Legal systems represent an important check on state power and a means to protect the rights of citizens, but their effectiveness depends heavily on having the right underlying laws and safeguards.

Unfortunately, recent changes to a range of laws are falling short of this ideal. The latest wave of rushed and ill-written counter-terror laws (which weaken the burden of proof and loosen thresholds for detention, search or seizure) are only the latest example of an increasingly punitive trend,^[34] which the Pirate Party would seek to reverse.

Journalist shield laws are also need of an upgrade: the present lack of protections is commonly regarded as one of the leading threats to accountability and freedom of the press.^{[35][36]} In future, shield laws need to cover not just sources, but the informational content which sources pass on, which is all too easily used to

identify them. Sources also need to be protected from public exposure by official inquiries—the ability for inquiries to do this threatens the very forms of journalistic investigation which have so often been essential to inquiries launching in the first place.

We support a legal system which protects freedom and which embodies the secular principle of one law for all, applied to all persons equally. The Pirate Party will always oppose punitive laws and parallel systems which impose differential standards on different groups.

Pirate Party Australia would undertake the following reforms:

Improve equality and transparency in the legal system

- Strengthen shield laws for journalists in the court system.
 - Remove any compulsion for journalists to reveal sources in court, with narrow exceptions where courts determine that a public interest of greater importance than journalistic freedom is served.
 - Extend protections to cover confidentiality of communications and information received from sources.
 - Extend court-related shield laws to also cover public inquiries.
 - Narrow the scope of subpoenas public inquiries can impose to ensure a high standard of relevance applies.
- Restrict use of suppression orders in criminal trials.
 - Limit suppression orders to protecting national security and the identity of victims, witnesses, or persons under physical threat.
 - Ban any use of suppression orders to prevent discussion of other suppression orders.
- Ensure no legal standing is extended to alternative arbitration systems, dispute resolution mechanism and other ‘parallel’ legal practices.

[Return to contents](#)

Control over the body

The right of self-ownership and the right to live free from pain and physical torment are absolutely fundamental. We believe that all persons have the right to live by their own convictions, but none have the right to force their convictions on others.

Voluntary euthanasia is an important aspect of this principle. Support for voluntary euthanasia is not a statement of any kind on the value of life. It is merely respect for the right of persons to make decisions on these matters for themselves in the light of their individual circumstances. While safeguards are necessary, adults of sound mind and facing terminal illness should have the right to end their lives with dignity and peace. Bans on voluntary euthanasia create a legacy of suffering and a shattering loss of dignity and autonomy.

Pirate Party Australia supports reproductive rights. A pro-choice position is also not a commentary on the value of life: rather, it is recognition that individuals are better placed than governments to weigh up complex questions in light of their own circumstances and values.

Choice and self ownership must be paramount, and Pirate Party Australia would undertake the following reforms to protect them:

Enshrine freedom over the body in law

- Enact a law legalising euthanasia and decriminalising assisted suicide subject to:
 - An application process and seven day cooling-off period.
 - A requirement that patients be:
 - Over 18 and mentally competent, and
 - Supported by three doctors, including:
 - A consultant/senior physician in a relevant field of expertise to confirm terminal illness, and
 - A psychiatrist to certify that the patient is not affected by treatable depression.
- Ensure all persons have full and free access to their personal medical records.
- Ensure all persons have the right to issue binding health directives to apply in the event of any future mental disability.
- Extend protections within the Victorian Abortion Law Reform Act 2008 nationwide, to provide baseline legal abortion services nationwide.

[Return to contents](#)

Marriage

The institution of marriage pre-dates all religions, nations, and political parties by tens of thousands of years. As marriage is a collective, shared inheritance and part of the social commons, there is no justification for it to be co-opted by any modern religious or political agenda. Control of marriage by political parties or religious groups is an appropriation from history and from the public, and those claiming a right to control and define marriage have no such right in truth.

The *Marriage Act* in current form denies many couples a human right which is taken for granted in mainstream, heterosexual society. The *Marriage Amendment Act 2004* made this outcome worse by imposing a declaration, compulsorily recited at all weddings, that marriage in Australia is an exclusionary institution available only to certain types of relationships.^[37] In effect, this turns marriage law into a way to force religious principles into state ceremonies, undermining the separation of Church and State.^[38] Politicisation of the Marriage Act^[39] doesn't not just attack civil liberties.^[40] It also reinforces stigmas around minority groups a a time when anxiety is already widespread and suicide attempts among LGBT persons far outstrip the general population.^[41]

The only effective way to stop this abuse of rights is to abolish the Marriage Act. Marriage should be protected not by excluding particular individuals, but by excluding the state. This would return marriage to the community, to be interpreted by all in line with their own traditions and values. A Civil Unions Act could then be established in place of the Marriage Act, which would offer equal treatments, rights, and recognition to all couples.

Replace the *Marriage Act 1961* with a *Civil Unions Act*

- Couples in a union under the *Civil Unions Act* will be afforded the same rights available under the current *Marriage Act*.
- Civil unions will be available to all consenting couples.
 - The legal age of consent for involvement in a Civil Union will be 18 years.
- The *Civil Unions Act* will provide a state recognised union with equivalent legal and monetary benefits to those provided currently within the *Marriage Act*.
- Couples in legally recognised unions from overseas will be recognised under this Act.
- The institution of marriage will be removed from the purview of state authority. The right of secular and religious organisations to offer ceremonies in adherence with their own beliefs would not be infringed.
 - No legal basis will be provided for any attempt to force any organisation to provide marriage services where such an act would be at odds with organisational values.
- Unions not involving consenting arrangements between adults will remain banned.

[Return to contents](#)

Digital access

The internet has always been grassroots, participatory, and open. For that reason alone, it has proven to be a huge thorn in the side of traditional hierarchical power structures.^{[42][43][44][45]} Unsurprisingly, this is leading to push-back: corporate and government entities have been trying for years to increase control over the Internet through a range of measures including censorship, reduction of access, treaties to reduce the rights of Internet users, and ever-broader surveillance and monitoring powers.^[46]

Net neutrality is the best defence against much of this. Established by the founders and developers of the internet, net neutrality is the rule which obliges gatekeepers—whether corporate or governmental—to treat all online traffic equally. Net neutrality prevents gatekeepers from blocking, speeding up, or slowing down content based on the source, destination or the owner. It guarantees that even the smallest entrepreneurs have the same access standards as established firms, and it keeps the internet open, innovative, uncontrolled, and free.^[47] Net neutrality is not merely a safeguard for the digital economy and culture, but a shield protecting the basic rights of internet users.

Pirate Party Australia will work against inappropriate attempts by gatekeepers to impose censorship, data blocking, and prioritisation. We support the preservation of a fast, open internet underpinned by clear net neutrality principles.

Provide universal access to a fast, neutral Internet

- Institute a common carriage agreement and legal protection for Net Neutrality, and ban the practice of screening, or prioritising traffic based on packet sources or destinations, unless
 - The default package offered to the user of an ISP contains no such screening or prioritising; and
 - The user can opt-in to a package that will prioritise certain types of traffic by protocol or destination.
- Allow exceptions in the case of a court order.
- Allow generic prioritisation of traffic based on protocol types defined by the IETF.

[Return to contents](#)

An Australian Bill of Rights

The Pirate Party will sponsor a referendum to introduce a Bill of Rights as a way to protect basic liberties.

Australia is one of the few remaining western democracies whose citizens and residents lack any significant, constitutionally declared rights. This lack of protection creates an imbalance of power between individuals and the state, and exposes privacy, free speech and other basic rights to perpetual whittling. A bill of rights can restore balance and provide unambiguous checks on the creeping intrusion of the state into private life.

We propose a referendum to alter the Australian Constitution and include a bill of rights, codifying a basic set of human rights and freedoms.^[48] The Pirate Party proposal incorporates the most fundamental and essential elements of the United Nations Universal Declaration of Human Rights,^[49] the United Nations International Covenant on Civil and Political Rights^[50] and the United Nations International Covenant on Economic, Social and Cultural Rights.^[51]

Protecting rights and freedoms

The following rights and freedoms should only be construed as applying to natural persons as opposed to corporations or other non-natural entities. None of the following rights and freedoms should be construed as enabling the violation of other rights or freedoms. Where conflicting rights or freedoms are found to occur, the resolution should be based on the greater overall good.

The individual is the ultimate minority, and these rights are designed to protect the private lives and rights of individuals. Broader rights (which are often assigned on the basis of belonging to an identity group) are less prominent, as these potentially impose subjectivity, conflict with other rights, and drive burdensome litigation. Rights and freedoms not mentioned here may be granted through other laws and, where not covered by law, are left to the people.

Rights and freedoms should be considered to apply collectively (thus, various combinations of rights exclude practices such as slavery).

There would be no means to sell, trade or otherwise contractually sign away these rights.

Life and Death

- The right not to have your life taken from you.
 - Any application of the death penalty would become unconstitutional.
- The right to end your own life should you explicitly, in right-mind and without coercion, choose to do so.
 - This would allow euthanasia, provided that the conditions listed above are legally confirmed.
- The right to control your body and health.

Thought and Belief

- Freedom of thought, conscience and belief.
 - Includes freedom from compulsion to adhere to another's beliefs, and protection against imposition of such beliefs through law.

Communication and Expression

- Freedom of speech, communication and the right to express your thoughts or beliefs.
 - This applies to all mediums of communication but does not guarantee that the medium will be provided, merely that access may not be removed by the state.
 - This specifically stops laws such as blocking of internet access for copyright infringement.
 - This right does not include a right to be heard, or impose a duty on anyone to listen.
 - This applies regardless of the purpose of communication.
 - The right to express an opinion will be protected without exception.
 - There is no right to not be offended by the free expression of the thoughts or beliefs of others.
 - Exclusions:
 - Direct attempts to bring about the use of force against another person.
 - Intentional, false statements of fact (slander, libel, false advertising).
 - Direct threats.

Fair Legal Process

- Habeas corpus - the right for a person under arrest to be brought before a judge or into court.
- Right to trial by a jury of peers for criminal proceedings.
- Right to legal representation.
 - Provision of lawyer for defence.
 - Self-defence.
- Right to not incriminate yourself.
- Freedom from retroactive legislation.
 - Protection will apply to anyone found guilty of acts that were not crimes when committed.
- Right to freely access and copy all laws and public judicial proceedings.
- No prison for breach of contract.

Privacy

- Privacy for homes, property and effects
 - No illegal search & seizure.
 - Covers any invasion of privacy not authorized by warrant issued on probable cause.
- Privacy of Communication.
 - Excludes communication in open spaces with general public access or public forums.
 - Exceptions from exclusion:
 - Targeted recording of communications without warrant issued on probable cause
 - Dagnet, state-sponsored recording of communication, which allows after-the-fact targeting of any individual
 - Public officials, in performance of official, or purportedly official, duties, may be recorded without constraint.
 - This protection will apply independently of communications medium.

Liberty, Movement, Assembly and Association

- The right to personal liberty.
- Protection against arrest or detainment without cause or due process.
 - On detention, the right to be given written evidence of detention, including officers involved and reasons for detention.
- Freedom of movement.
- Protection against forcible constraint of movement without cause or due process.
- Freedom to peacefully assemble in public or private.
- Freedom to associate with others.

Political Participation

- Right to participate in civil and political life.
 - Includes right of any adult citizen to run for any government office.
 - Includes right of any adult citizen to join political parties or activist groups.
 - Includes right of any adult citizen to vote.
 - Is not nullified by civil or criminal status.
 - This should not be construed as taking away any existing right to civil or political participation.
- The government shall not pass laws intended to limit participation. [\[52\]\[53\]](#)

Property

- The right to own property and not have it unlawfully taken from you.
- This right only extends to physical property where acquisition removes it from possession of another person.
- Intellectual and other property rights schemes would remain an issue for the legislature.

Non-Discrimination

- The right for all permanent residents and adult citizens to be treated equally by the state.
 - Guarantees freedom from discrimination by government, based on any arbitrary or generalised condition, including gender, age, sexual orientation, race, religion (or lack thereof), social sub-cultural and political affiliation.

[Return to contents](#)

Culture and creative works

Copyright

Copyright laws are a statutory monopoly artificially applied to information and culture that are traditionally justified as a balance between the rights of content creators and the rights of society. Properly applied, such laws encourage creative output by providing a limited monopoly for artists and writers over the use

and distribution of their work. On expiry of copyright (which originally lasted for 28 years) work entered the public domain to be used and built on by others.

The overreach of copyright

In recent times the essential balance underlying copyright law has been lost, and a mechanism intended to serve the interests of the general public is now threatening fundamental rights and cultural growth. Copyright duration has been repeatedly extended, and now persists for 70 years after the death of the original creator. This massive duration is actively harmful for the creative community,^[54] because it kills the flow of material to the public domain, denying the opportunity to draw on it. Perpetual copyright benefits only large businesses, and encourages them to reuse old content rather than undertake relatively risky and expensive investments in new material.

Higher duration has been paired up with increasingly draconian enforcement. Enforcement of copyright has encroached into the realm of non-commercial use—a recipe for abuse of the general public. Individuals are now being prevented from listening to public radio,^{[55][56]} or fined millions of dollars for downloading a handful of songs.^[57] Community groups and charities have been threatened with legal action for allowing children to perform Christmas carols,^[58] and corporations are preventing access to public footage of historical events.^{[59][60]} The rights of the general public are being trampled in the name of protecting obsolete, rent-seeking business models.^[61]

Seeking to defend their behaviour, lobbyists and corporate interests have adopted terms like 'piracy' and 'theft'. However, when normal behaviour such as culture sharing is criminalised, everyone is a pirate. The Pirate Party has adopted the term to draw attention to this fact, and to focus attention on threats to a range of fundamental rights:

- Privacy has been directly undermined by attempts to force ISPs to monitor private communications in the name of copyright enforcement.
- Participation in the free market is threatened by copyright bills such as SOPA and PIPA, which would have granted US copyright holders unilateral power to shut down the websites of other businesses anywhere in the world on the basis of an allegation that the site "enabled" copyright infringement.^[62]
- The presumption of innocence is taken away by 'three strikes' or 'graduated response' laws which allow Internet users to be disconnected by copyright holders upon an allegation and without fair trial or due process.^{[63][64]}
- Free speech is similarly threatened by compulsory disconnection. The Constitution contains an implied guarantee of freedom of communication in relation to political matters, which the High Court has determined is essential to the proper functioning of Australian democracy. Disconnection interferes with the right to assembly and political communication, and violates the Constitution as well as High Court determinations and international covenants. The Internet is essential for everything from financial affairs to childhood education, and laws enabling disconnection are a frontal assault on free speech and modern life.
- Consumer rights are being eroded as technology becomes increasingly crippled though measures such as Digital Rights Management (DRM). DRM can be a prelude to surreptitious surveillance and unauthorised data collection. It cripples culture and knowledge distribution, and is an electronic equivalent of a barbed wire fence around data consumers rightfully own.

- Access to our cultural heritage is jeopardised by the (thus far) successful campaign to impose a ‘forever less one day’^[65] period of copyright duration. All copyrighted works are, to some extent, based on or inspired by prior work. Modern attempts to combine perpetual duration with the prevention of reuse and remixing threaten the mechanisms of progress and impose restrictions that creators have never faced before. They amount to a strangling of the creative process.

Reforming copyright

Placing copyright law in direct opposition to fundamental rights guarantees failure. File and culture sharing are, predictably, continuing to grow in defiance of all attempts to control it,^[66] and recent attempts to impose additional enforcement were crushed by determined opposition in the European parliament and US Congress. People have always shared poetry, music and culture, and modern copyright laws fail because they attempt to criminalise innate human behaviour.

Copyright is changing, and we are seeing a completely new and different social understanding of copyright – a generational shift in the way we relate to and participate in culture. It is thus concerning that the Australian government has announced an intention to consider imposing the thoroughly discredited ‘three strikes’ disconnection model on Australian Internet users. Copyright was written to serve the needs of the general public, and this purpose is not accomplished by criminalising an entire generation. Fundamental rights do not need to be “balanced” with copyright enforcement.

A copyright law for our time must combine the balanced approach of the past with recognition of the situation we confront in the present. Normal interactions in the digital sphere should no longer be monitored or threatened. The digital realm offers artists and creators vast new opportunities for exposure, free of old-fashioned limits on distribution, and the overwhelming weight of research shows that file sharing has not reduced revenue to artists.^{[67][68][69]} The law should account for this. Copyright duration should also be contained to around 15 years — which is calculated to be the optimal term to drive maximum creative endeavour.^[70] Creative remixing and reuse of existing content must be allowed, as preventing them is equivalent to attacking freedom and progress itself.

The Pirate Party proposes the following reforms in order to ensure that copyright law serves the interests of the general public.

Reduce copyright duration to 15 years

- All material to have been copyrighted for longer than 15 years will enter the public domain.
- Moral rights entitling creators to be identified with their work will remain unchanged.

Remove copyright restrictions applying to publicly funded material

- Crown copyright will be abolished for all material produced by government, including:
 - Bills, statutes, regulations, ordinances, by-laws and proclamations, and explanatory memoranda or explanatory statements relating to those materials;
 - Judgements, orders and awards of any court or tribunal;
 - Official records of parliamentary debates and reports of parliament, including reports of parliamentary committees;

- Reports of commissions of inquiry, including royal commissions and ministerial and statutory inquiries;
- Other categories of material prescribed by regulation.
- Open Access provisions will be required for all publicly financed scientific and academic research.
 - Publicly financed institutions will be required to release all scientific and academic works under principles of Open Access.
 - Publicly financed institutions will be required to provide all raw data collected (anonymised as necessary) in an open and searchable format, via government infrastructure if required.
 - Repositories will be required to make publicly funded research available to the public under principles of Open Access, and free of charge.
- Government funded software will be made open-source, excepting cases where disclosure threatens national security.

Safeguard current exceptions to copyright

- Material created in formats accessible to persons with reading disabilities will remain exempt from copyright restrictions, and the exemption will be codified to explicitly over-ride any international export/import restrictions.
- The *Copyright Act* will be clarified to ensure that programming made available on-line by radio stations is considered a broadcast for licencing purposes.

Create additional exceptions to copyright

- A generic "fair use" exception will apply to commercial and non-commercial use of copyright material.
 - Use would be subject to a requirement for fairness and reasonableness, and would note:
 - The purpose and character of the work,
 - The nature of the work,
 - The amount of material used, and
 - The probable cost to the copyright holder.
- A specific exception will be implemented to protect sampling and artistic quotation.
 - This will cover the creation of remixes and parodies, and will provide a legal basis for quotation rights on sound and audiovisual material (including musical compositions and theatrical scripts) modelled on the allowances currently applied to text.
- A specific exception will be implemented to protect transformative use.
 - Transformative use would require the incorporation of a new creative element not present in the original work.
 - The moral rights of the original artist to be associated with the work would remain intact.
- A specific exception would be created allowing consumers of copyrighted material to format shift and back up such material for private and domestic use.
 - This would be considered fair use and will override conditions imposed through product sale and licencing.

- A specific exception would be created allowing libraries and digital archives to digitise their collections.
 - The requirement for archivists to consider documents individually, on a case by case basis, will be removed to enable large collections to be catalogued and stored.
- A specific exception will be implemented to protect all non-commercial distribution, including file sharing.

Curtail attempts to restrict consumer rights

- The 'Technological Protection Measures' within the *Copyright Act 1968*—which grant legal foundation to the enforcement of Digital Rights Management (DRM)—will be repealed.
 - Any restrictions or limitations on purchasable items enacted in the name of copyright protection will be required to include information to consumers on the nature of the restrictions, the additional software that will be installed, and any tracking or data collection that will be imposed.
 - A 14 day grace period will be legislated allowing consumers to return any product which includes DRM.
 - Products which include DRM will be considered as being licensed, not sold. Accordingly promotions and offers for such products will be obliged to state that the sale is for a licence only.
- Restrictions on format-shifting will be banned in cases of:
 - Technological format-shifting, whether physical or digital,
 - Translation into another language, and/or
 - Adaptation for the blind, deaf or similarly impaired, including Braille translation, transcription of speech, or creation of spoken books.

Promote fair pricing and discourage artificial market segmentation

- Implement the recommendations of the IT Pricing Inquiry^[71] in particular:
 - Lifting the parallel importation restrictions still found in the *Copyright Act 1968* (Cth).
 - Allowing consumers to circumvent technological protection measures that control geographic market segmentation (see "Curtail attempts to restrict consumer rights" above).
 - Educating Australian consumers and businesses as to how to circumvent geoblocking mechanisms, and what rights might be affected as a result.
 - Creating a right of resale in relation to digitally distributed content.
 - Restricting vendors' abilities to lock digital content into particular ecosystems.
 - Introducing a ban on geoblocking to address persistent market failures.
 - Amending the *Competition and Consumer Act 2010* (Cth) so that contracts or terms of service attempting to enforce geoblocking are considered void.

[Return to contents](#)

Culture and media

Culture is at the heart of human identity. From the cave paintings to the poetry that was once copied and sent to soldiers in the trenches, culture has always been something shared - a social glue and a bond

between individuals and their societies. Cultural sharing is innate to human nature and learning. It is an important driver of human creativity and progress.

In modern times, technology has changed the way in which culture was produced and experienced ^[72]. The rise of mass-production in the nineteenth and twentieth centuries opened the way for new forms of distribution, but also created a means for the owners of industrial mass production to control and restrict access. Intellectual property laws emerged which treated culture as something to be restricted, monetised and made artificially scarce. As technology progressed, however, the ability to mass produce in the digital realm has shifted cultural modes back to their historical norms ^[73], opening the way to a new era of grass roots cultural production.

Attempts to re-impose the forms of control and artificial scarcity which governed culture in the 20th century will fail^[74], simply because the technological “moment in time” which enabled such a model to exist has now passed. We believe the time has come to undo the harm done to our cultural commons^{[75][76]} as a result of 20th century copyright policy. However, this does create a serious question: where culture is freely available, how will artists and creators be paid and supported?

Pirate Party Australia has several answers to this. We will support a basic income guarantee which provides universal support to artists. We also propose a new wave of investment to create new cultural hubs for the community. These new hubs will expand the role currently played by libraries ^[77] and provide free facilities for creation of music and art ^[78]. They will also be places where legal obstacles such as obsolete Digital Rights Management (which hampers archivists who seek to engage in digital archiving)^[79] can be overturned. Additionally, we will seek to establish a new fund to sponsor artists and invest in the creation of films, literature and visual art. And finally, Pirate Party Australia will seek to provide smaller live music and performance venues with tax breaks to protect and enshrine them.

Pirate Party Australia is also a firm supporter of public broadcasting. We oppose all attempts to sabotage the independence and broadcasting standards of the ABC. The ABC is one of Australia's few highly trusted institutions ^[80] and its capacity to reach a diverse national audience with cultural programming make it especially important to Australia's artistic and cultural communities. A complete subordination of Australia's media landscape to commercial interests and the political agendas of their owners should be resisted by anyone who supports independent media and the growth of Australian culture.

We believe open, participatory culture and investment in our artists is the future for Australia.

Develop a network of facilities to support development of art and culture

- Provide \$500 million from existing Federal investment funding to support expanded library facilities.
 - Funding will be allocated by an independent board charged with assessing grant applications and ensuring all proposals are openly accessible to the public.
 - Applications will be assessed on local area population, community need and outcomes of consultation, and quality and innovativeness of proposals.
 - Proposals will be required to maintain and respect traditional library functions.
 - Projects may include development of maker spaces, sound booths, expanded premises, content digitisation and online availability and other cultural and community benefits.
- Provide additional legal protections to libraries to enhance their cultural value.

- Allow free use of patented material and full availability of copyrighted material under a Creative Commons Attribution license within physical and digital library spaces.
- Allow library users to utilise these freedoms subject to a mandate to make materials thus created available under a creative commons license within the library's physical and digital spaces.
- Maximise public library efficiency by ensuring that digital works become instantly available in any branch (e.g. using filesharing technologies) [\[81\]](#)
- Ensure libraries maintain, store and make available public records in a standardised format.
 - Ensure libraries provide storage and computation resources to process open data public records. This might include cloud resources, hosting services, and other services to ensure useful access to such content, by any library user.
- Mandate that any DRM protected product for sale in Australia has an obligation to hand over keys or other mechanisms required to access it in its totality, after either termination of copyright or termination of sale.
 - The disclosure will be to the National Archives until termination of copyright, and held in confidence until it enters the public domain.

Expand funding and venues for artists

- Provide \$1 billion from existing investment funding to sponsor Creative Commons licensed artistic endeavour.
 - Funds will be separated into streams to invest in independent films, games, visual art, and literature.
- Expand current tax exemptions applying to “cultural organisations”.
 - Extend the “Music” category to cover facilities essential to live music, including small-capacity live music and performance venues.
 - Extend the “Literature” category to cover book and cultural exchanges which provide low-cost literary and cultural material to the general public.
- Provide a central online location for artists containing information for exhibiting, performing, and displaying art, as well as free hosting for exhibiting and displaying digital and digitised art.

Secure Australia's public broadcasting

- Protect public broadcasters and their boards from political interference.
- Maintain base funding to domestic public broadcasters at 2012 levels (with adjustment for inflation).

[Return to contents](#)

Education and innovation

Schools and early education

Education is a powerful determinant of well-being. It is a source of wealth, a provider of life skills, an enabler of participation, and a core component of civil society. The 2000 Dakar World Education

Conference noted that all young people have the right to an education that includes “learning to know, to do, to live together and to be”.^[82]

Early childhood education

Pirate Party Australia supports trials in Australia of the childcare cooperative system used successfully overseas.^[83] A co-op system will provide a means for willing parents to combine resources and provide low-cost or free childcare by taking turns as carers and volunteers. It also provides social opportunities to new families and their children, and reduces demand pressure on the existing childcare system.

School education

Global comparisons suggest that the world's best educational system is in Finland. Unlike Australia, where funding is shredded between public and private systems, Finland focus on a single system of locally controlled public schools. The best educational systems are those which provide greatest autonomy to teachers, and educators in have freedom to mix and combine classes, test when and how they wish, teach in different ways to accommodate different learning styles, and bring in additional support and resources as needed. Unsurprisingly, this kind of autonomy encourages many more highly qualified and bright people into the teaching profession, and solves many issues of teacher quality experienced in other countries.

Australia is one of the few countries to divide its funding between public and private systems. This is the wrong path in the long term. The diversion of public funding to private and religious schools does not promote equity; it merely leads to scarce resources being allocated where they aren't needed. It doesn't promote diversity: diversity is actually reduced when children are segregated along religious and socio-economic lines. It doesn't promote choice: the shift in funding towards private schools has left entire leaving entire postcodes lacking any comprehensive public schooling.^[84] It doesn't improve value for money: a huge increase in private funding has seen relatively small shifts in student numbers,^[85] and where students have shifted, the largest impact has been to concentrate poorer students into the increasingly under-funded public system.^{[86][87]} And it clearly hasn't improved educational standards: basic science teaching is regularly undermined in religious schools^{[88][89]} and overall educational outcomes for Australian children have been falling relentlessly in recent years, especially among the most disadvantaged^{[90][91]}.

A world's best practice approach system need not cost any more money. However, it should have the following features:

- Funding should be reserved for schools which are secular and free, and available to every child.
- Schools should be locally controlled. Standardised testing should be optional, teachers should be more empowered, and curriculum should be leaner, with more time available for school-determined content.
- Additional funding should be available to address disadvantage and improve diversity. Schools in poor areas should receive additional resources, and all schools should be able to 'bulk bill' activities in which qualified experts are engaged to teach in areas of interest chosen by students and parents.

Pirate Party Australia would support the following reforms:

Improve provision of community based childcare

- Provide certification processes and a one-stop information service for the setup of childcare cooperatives.

Foster well-funded, dynamic and secular public schools

- Reallocate federal education funding:
 - Progressively reallocate funding towards free and secular schools, with allowance for other schools to transfer or sell land and assets into the public system.
 - Abolish the school chaplains program.
 - Ensure sufficient funding is available to implement Gonski recommendations on additional support for poor and disadvantaged schools.
- Change school accountability frameworks:
 - Abolish existing paperwork accountability systems and provide schools with control over finances including management of bank accounts and purchases.
 - Support the establishment of principal networks to encourage the spread of effective systems.
 - Allow students 16 and over to transfer to TAFE and have per-student funding follow them.
 - Trial a bulk billing scheme for extracurricular activities including tutoring from outside experts in areas determined by students and parents.
- Provide more support to teachers:
 - Ensure trainee teachers receive a minimum of 12 weeks supported classroom time.
 - Allow ongoing salary progression for teachers with more than 10 years of experience.
- Include a solid foundation of life skills and personal development within the National Curriculum:
 - Grades 1-4 to cover behaviour towards others, people skills, and exploration of science and critical thinking;
 - Grades 5-6 to develop earlier material and additionally cover sex education, conflict resolution, and ethics;
 - Grades 7-8 to develop earlier material and additionally cover accidents and emergency response, civics and voting, budgeting, basic IT skills, careers and starting a business.
 - Limit compulsory subjects to life skills, maths, science and English.
 - Abolish Special Religious Instruction in public schools and limit religious study to comparative religion in the context of history, culture and literature.

[Return to contents](#)

Universities

Tertiary education is crucial for our shift towards a more knowledge-based economy. While student numbers continue to rise, growing evidence exists of a troubling deterioration in standards and academic morale in universities. Approximately half of academics have been assessed to be at risk of psychological illness due to insecurity and overwork,^[92] while two thirds believe academic freedom is being curtailed.^[93] Higher education has suffered from efforts by successive governments to force it into a top-down, corporatist structure. This is an inappropriate form for an education system and an engine for stultification and surveillance. The drive towards pseudo-measurement of educational outcomes has also

imposed unprecedented administrative costs, with administrators and managers now outnumbering academics.

Much of this change is demonstrably counter-productive. The narrow emphasis on vocational education is creating graduates unfit for many jobs - employers have raised issues with serious deficits in team work, creative thought and communication.^[94] Administrative burdens imposed in the name of quality assurance are driving down quality by drawing resources out of teaching and research. Attempts to quantify educational outputs obscure more than they reveal. And the lowering of standards to accommodate overseas students is reducing Australia's attractiveness as an international student destination.^[95]

Genuine transparency means accountability to the general public, not to a corporate structure. We believe that publicly funded academic research should be made freely available to the public and no longer locked up behind publisher paywalls. We also believe in enhancing the quality of academic work by following the advice of academics themselves, who urgently seek higher per-student funding and greater autonomy. We will also encourage the current shift towards digital education, which is proving to be a crucial aid for the poor, for people in remote locations, and for carers and people with disabilities.

Education should be seen as a pillar of civil society rather than a money making commodity, and campuses should be encouraged to play a greater role in the community. Passion, curiosity and freedom to speak and question are key curbs to unhindered power, and a successful university system should embody those traits.

Support academic autonomy in tertiary institutions

- Impose benchmarks to guarantee the use of public funds for academic salaries, teaching material and research.
- Expand full-time academic positions targeting a maximum student-teacher ratio of 20:1.
 - Guarantee study leave, research time, and fieldwork in academic contracts.
- Restore academic control over course and research funding, course design & outcomes, unit guides, marking, workload allocation, hiring, and teaching choices.
- Defund administrative functions and organisations associated with monitoring, surveillance, government reviews and data collection.
 - Abolish standardising and rigid templates.
 - Abolish code of conduct restrictions on academic speech.
 - Limit the Tertiary Education Quality and Standards Agency to an advisory role.

Increase educational resourcing and outputs

- Provide \$4 billion per year to properly resource higher education research and increase grant acceptance (see Science plan policy for details)
 - \$500 million per year should be set aside to support a 25 per cent increase in base per-student funding.
 - Ensure a portion of this funding is directed to restoring access and equity measures for poorer students, as well as provision of counselling and childcare services.
 - Replace the lifetime FEE-HELP limit with a maximum loan cap, offset by repayments.

- Institute Open Access provisions for publicly funded academic, peer-reviewed, journal articles produced within universities.
 - Make all articles freely available to the public without paywalls or publisher restrictions.
- Promote increased use of campuses for community seminars, live events and public debates.
- Increase provision of free online courses, and encourage greater use of online infrastructure to reduce course costs and improve budget sustainability.
- Encourage greater course-driven interaction between students and businesses or community groups.
- Apply full whistle-blower protections to users of Unileaks and similar outlets.

[Return to contents](#)

A streamlined patent system

Patents grant an individual or a business a temporary monopoly over the expression of an idea. Patents are a powerful legal instrument which grants their holder a right to stop others from using a product or an idea for up to 20 years.

Patents are meant to encourage innovation. However, as time passes they are increasingly doing the opposite, becoming a means for old, legacy businesses to prevent competition and stifle innovative rivals through endless legal action. With uncountable millions of patents now lodged, real inventors face a minefield of potential obstacles in bringing any new product to market. Serious reform is needed to bring the patent system back to its core purpose.

General reforms

The original twenty-year patent duration was set down at a time when ideas and products took years to spread,^[96] and most research suggests a significantly briefer term is better in a world where products can be built and marketed to millions in a space of weeks.^[97] As patents are an intervention by the state in the free market, their existence can only be justified where there is a clear benefit to the public interest. Accordingly, no avenues should exist for the use patents to block publicly funded research. Additionally, since patents were introduced to support development of products, any legal defence of a patent should require proof on the part of the litigant that the patent in question is being actively used.

Pirate Party Australia also believes the patent system needs to include accommodations to allow independent development of the same invention.

Software patents

The software industry is uniquely dynamic, and patent durations on software should be shorter than those applying to other patent types. Pirate Party Australia would abolish functional claiming (which patents the end result of software) as it removes the ability of the free market to create newer and better approaches.^{[98][99][100][101]} We also believe a larger fee should apply for software patents in order to fund additional scrutiny and a raising of the threshold for obviousness and prior art.

Genes and organisms

“Products of nature” were not patentable under the original terms of patent law. However, the scope of patent law has crept, and patents on human genes are now granted on the grounds that extraction of

material from its natural environment is akin to having “invented” it. ^{[102][103]} This is a nonsensical legal artifice which, if applied in other fields, would lead to patents on coal, cotton, and wood.

It is also a particularly harmful form of corporate welfare. Gene patents are effectively a state-granted right to lock away fundamental information about our bodies. Gene patents hinder research by forcing scientists to negotiate among dozens of gene patent holders, who bear no obligation to contribute to research themselves. ^{[104][105]} Gene patents also lead to huge costs being imposed on sick and dying patients for simple tests and treatments. ^[106]

Patents on living and genetic material represent a net loss for society, and should no longer be recognised.

Pharmaceutical patents

Patents on drugs are justified as a necessary incentive for medical research. In practice, however, patents are an incredibly poor mechanism for this. Most of the money extracted by patent rents does not fund research at all: instead, it is directed towards marketing and corporate expenses. To the extent that patents do fund research, the incentive is to develop temporary fixes which can be sold over and over rather than real cures, which can be sold only once. ^{[107][108]} Only around two per cent of new active ingredients and applications devised by drug companies are considered to make real medical progress. ^{[109][110]}

For these dubious benefits, drug patents impose a massive cost. Monopoly power allows firms to charge huge prices for drugs whose actual production cost is minuscule. More than \$10 billion is spent each year on the Pharmaceutical Benefits Scheme (PBS), ^[111] most of which goes into meeting patent rents so that drugs are affordable. High drug prices also deny lifesaving medicines to the world's poor. ^{[112][113][114]}

If drug patents were no longer recognised, monopolies on drugs would cease and domestic drug prices would fall to cents in the dollar. Market competition would force domestic firms to compete on quality, and future aid could include exports of critical drugs to poor countries. Our public health system would be freed from a huge cost burden, and current spending on the Pharmaceutical Benefits Scheme could be redirected to sponsor genuine drug research and bring about a renaissance for science in Australia.

Private drug research should still be encouraged, but not through a patent system. Instead, funding should be made available to trial a ‘bounty’ system, under which rewards are offered for the creation of drugs which serve an identified public good. Bounties would be paid out on cures, not temporary fixes, and drugs on which a bounty has been paid would immediately enter the public domain. Ultimately, the best path forward would be for willing countries to sign a new global biomedical treaty to enact a global bounty system, which could direct hundreds of billions of dollars a year into critical medical research. ^[115]

Pirate Party Australia would undertake the following reforms to patent law:

Reduce patent quantity, and increase quality

- Reduce patent duration to 10 years.
- Require patent holders to demonstrate active use of a patent as a pre-condition for any legal enforcement of exclusivity.
- Apply legal protection to all non-commercial use of patented material (any subsequent commercial use would remain actionable).

- Apply legal protection to open source products.
- Apply legal protection for infringing items which are developed independently and without knowledge of existing patents.

Reform software patents

- Apply a higher patent continuity fee.
 - Fees will fund impartial, professional reviewers and consultants (experienced in the relevant areas) to review software patents, with the goal of blocking patents that are obvious to someone experienced in area, not novel or having prior-art.
- Set the length of patents for inventions primarily embodied in software to 5 years.
- Ensure only specific implementations are protected, with functional claiming and outcomes disallowed.
- Require software patents to contain sufficient information for someone experienced in software development to be able to implement the invention.

Abolish patents on genes and living organisms

- Retain patents on inventions based on a gene (which neither require nor confer rights to the gene itself).

Abolish patents on pharmaceutical drugs

- Techniques for creating pharmaceutical drugs will remain patentable.
- All patents on chemicals will be placed in the public domain, and manufacturers will be encouraged to produce generics.
- Redirect \$5 billion from current spending on Pharmaceutical Benefits Scheme:
 - \$1 billion to ensure drug prices are low across the board, and no drug is made more expensive under new arrangements.
 - \$2 billion each year to directly fund drug research through the CSIRO and tertiary institutions.
 - \$2 billion each year to trial a "bounty system" to reward firms who create drugs which serve an identified public benefit.
 - The bounty would be paid annually, over a ten-year period of time.
 - Incentives would be offered to both first- and second-movers: where a new invention is based upon an earlier invention, rewards would be split even if the initial drug is superseded.
 - The amount of the reward for a particular drug would be determined by an expert panel and based on public health outcomes such as number of beneficiaries, level of therapeutic benefit, and capacity to address priority healthcare needs.
 - Drugs subject to a bounty will be placed in the public domain.
- Begin negotiations on a global medical R&D treaty, open to any nation willing to commit appropriate funds to support R&D.

[Return to contents](#)

A national Science Plan

Science created modern society. Through the scientific method, humanity has harnessed the power of natural forces, revolutionised our social order, and gained incredible knowledge of the universe in which we live. Economic growth is largely the result of improvements in science and technology, and research has long shown that public investment in science pays off many times over.^[116]

It's time Australia put real muscle behind its scientific endeavour and adopted a serious National Science Plan^{[117][118]}. Australia is the only OECD nation to lack one, and researchers in this country are constrained by under-funding, poor collaboration among research bodies, and erratic grant periods. A Science Plan will address these issues systemically and provide a pathway for a broadening of our research profile into areas such as space research, which offer potentially enormous benefits.^[119]

A Science Plan would help to address poor collaboration between business and higher education.^[120] Overseas experience suggests voucher programs represent one way to achieve this. Voucher programs allow small businesses purchase services from education and research bodies, which generates a dual benefit of raising overall research funding and encouraging long-term relationship building between sectors.^[121] Collaboration can also be supported by allowing researchers at government bodies to personally own patents on their research. In places such as Germany, this has enabled entrepreneurial researchers to spin out and start new businesses, adding vibrancy to the private sector and breaking down barriers between private and public spheres.^{[122] [123]}

A science plan would also provide a pathway to addressing chronic underfunding. As noted in the patents policy, a huge amount of money is currently wasted on paying the cost of drug patents. Freeing up this funding will provide billions each year—properly used, this could revolutionise science teaching and research in Australia.

Develop an Australian Science Plan

- Improve co-ordination among science bodies.
 - Establish an Innovation Board comprising researchers, government and industry representatives to draw together existing programs, develop research and innovation priorities and monitor Science, Technology, Engineering and Mathematics (STEM) progress.
- Improve public understanding of science.
 - Provide an online portal for use by schools and the general public, with permanent streaming and free download of publicly owned science and science education programs.
 - Require every primary school to employ at least one teacher with specialised STEM skills.
- Improve conditions for researchers.
 - Align disparate grant processes and link grant periods to requirements of the research.
 - Recommence the International Science Linkages program.^[124]
 - Provide an online portal to facilitate researcher access to alternative funding sources, including crowdfunding.
 - Allow researchers working within government bodies to own patents on their research.
- Re-purpose existing funding to directly support scientific research.

- Provide \$4 billion in additional annual funding to the Australian Research Council and other research bodies to support academic work in science and social science.
- Provide \$1 billion in additional annual funding to the CSIRO to support fundamental research.
- Provide \$4 billion in additional annual funding to support pharmaceutical research (see patent policy).
- Engage Australian Academy of Science to develop a long-term plan for funding and operation of Australian research infrastructure facilities.
- Establish a National Institute for Space Science to co-ordinate infrastructure and projects and seek global capital.
- Provide \$100 million for one-off development of space infrastructure recommended in the NCSS Decadal Plan.

[Return to contents](#)

Democracy

Government transparency

A transparent government is one which is open, communicative, and accountable. Sunlight has always been the best disinfectant and the greatest counter to corruption and rent-seeking. Openness about decisions taken on the public's behalf is also the best way to build public trust. The failure to embody these principles is a large part of the reason public trust has broken down so spectacularly in recent years.

Principles around transparency find practical application in legislative requirements such as Freedom of Information (FoI) laws^{[125][126]} and whistleblower protections. To ensure openness, we believe FOI legislation should be enshrined and enhanced. Exemptions from FOI, which are currently wide and arbitrary, need to be narrower, time limited, and justified by a higher threshold of due cause. A similar strengthening should also apply to whistleblower protections given repeated instances of harsh and inappropriate punishment and deterrence targeted at whistleblowers over the past 10 years.^[127]

More transparency also needs to apply with regard to the movement of money in our public institutions. It should no longer be acceptable to shut down public scrutiny of public spending by invoking commercial-in-confidence clauses.^[128] Public oversight should never be blocked where spending of public money is concerned. Political donations should also be subject to greater scrutiny so that the public can see who is funding and lobbying their elected representatives.

The state should also be subject to a stronger principle of universality. The state is funded by all citizens, and consequently any services provided by the state and its authorised service providers need to be subject to a firm principle of non-discrimination.

Institutional transparency is one of the easiest ways Australia can improve government function and recover public trust. Pirate Party Australia will push hard for positive change that improves Australia's governance.

Improve transparency and credibility in systems of governance

- Strengthen the operation and transparency protections afforded by FoI laws.
 - Remove blanket organisational exemptions and evaluate each request on a case-by-case basis.
 - Remove relevance as a criteria for exemption.
 - Exemptions to be subject to time limits, with extensions to be justified.
 - Documents to be unclassified by default.
 - Additional resources to be provided to the Office of the Australian Information Commissioner to ensure a robust and speedy FoI review and appeals process.
 - Maintain and expand data availability through data.gov.au and support an Open Data Act mandating that data released under an FoI request is comprehensive and provided in a re-usable format.
- Provide new protections for whistleblowers.
 - Ensure provisions of the Public Interest Disclosure (Whistleblower Protection) Bill 2012 operate in full.
 - Adopt additional measures to build in further protection to all parties:
 - Indemnity provision to third parties involved in the disclosure of information.
 - An intermediary system for anonymous disclosures, including a mechanism allowing whistleblowers to remain in regular, anonymous contact with investigative authorities.
 - Allowances for expedited data preservation orders, including a provision allowing such orders to take effect before a disclosure is made in cases where evidence is at risk of being destroyed.
 - Provisions to allow for disclosure of irrelevant information, where such information forms part of a larger document whose disclosure in complete form is necessary to preserve the quality of evidence.
- All contracts and deals with suppliers and other businesses to be placed in the public domain.
- Insert a non-discrimination clause applying to all publically funded bodies, universities, and bodies paid to act on behalf of the state.
 - Providers will have no right to discriminate on the basis of sex, age, race or sexual alignment in the delivery of service provision, access to resources, or any use of public or educational premises and facilities.
- Provide an official method for Australians to directly petition the federal government for a change in law or other government policy.
 - All levels of government should recognise and facilitate e-petitions.
 - Petitions reaching a predetermined quota to carry attendant obligations upon governments including mandated parliamentary discussion, meetings with petitioners and formal recognition of issues raised.

Improve transparency and conduct in Australian politics

- Increase oversight of processes around political donations.

- Mandatory disclosure of all political gifts and donations provided to elected representatives which have a value over \$1000.
 - Donations to be capped at \$50 per person for public events.
 - Foreign donations to be banned.
- Electoral Commissions to collate information into a single searchable database available online and at Electoral Commission offices for ready access to the general public.
 - The database will be updated at three-month intervals, with requirements for donors to report donations within 6 weeks.
- Prohibit donation splitting between branches of parties to prevent concealment of donations through division into smaller amounts.
- Create a lobbyists register with mandatory coverage of all lobbyists and full records of all meetings between lobbyists and legislators or government officials.

[Return to contents](#)

Citizens' initiatives

Australians lack any direct way to enact, amend, repeal or vote for or against legislation which affects their lives. A solution to this is to allow citizens to directly petition the Commonwealth Parliament for referendums.

Citizens' initiatives allow citizens to directly participate in legislative decisions. Mechanisms of this kind have been implemented in various forms and to varying degrees in Austria,^[129] at the supranational level in the European Union,^[130] Finland,^[131] all German states,^[132] Hungary,^[133] Italy,^[134] Latvia,^[135] Lichtenstein,^[136] Lithuania,^[137] New Zealand,^[138] Poland,^[139] Portugal,^[140] Spain,^[141] Switzerland,^[142] several states of the United States^[143] and Uruguay.^[144]

The Pirate Party supports the right of Australians to exercise legislative power in certain circumstances using citizens' initiatives. However, the Pirate Party also recognises that setting a threshold is necessary to prevent abuse of the system by special interest groups.

The Pirate Party therefore supports two levels of initiatives modelled closely on the systems in Latvia, Hungary, Brandenburg and Hamburg,^[145] but with adjustments made to accommodate Australia's significant geographic size and low population density. The first level, an agenda initiative, would have a lower threshold and be a binding petition to place an issue on the parliamentary agenda. If Parliament fails to take action, a full-scale initiative with a higher threshold would compel Parliament to hold a binding referendum. This allows legislative development to be guided by parliamentary institutions and procedures and to arrive at considered and enlightened decisions, as well as helping to avoid populism and the disregarding of minority interests.^[146] Combining agenda and full-scale initiatives allows Australian citizens to encourage their representatives to take action, while providing a mechanism to challenge parliamentary decisions.

The Pirate Party supports legislation allowing citizens' initiatives as a temporary measure, but ultimately this right should be enshrined in the Australian Constitution.

Support for citizens' initiatives

- Enact a referendum to insert provisions allowing citizens' initiatives in the Australian Constitution.
 - Initiatives would be divided into two tiers: "agenda initiatives" and "full-scale initiatives."
 - Agenda initiatives would be non-binding mechanisms modelled on the systems in Latvia, Hungary, Brandenburg and Hamburg, which would compel Parliament to consider a particular proposal.^[147]
 - Agenda initiatives would have a petition threshold set at 0.2% of the number of enrolled electors at the Federal Election prior to the submission of the petition.
 - Full-scale initiatives are binding mechanisms to compel the holding of a referendum on a particular proposal.
 - Full-scale initiatives would have a petition threshold set at 1% of the number of enrolled electors at the Federal Election prior to the submission of the petition.
 - Citizens' initiatives should be permitted for enacting, amending, repealing or otherwise challenging legislation.
- Specifics relating to citizens' initiatives would be dealt with by legislation.
 - Citizens' initiatives will be obliged to provide reasons for the petition and identify objectionable aims or provisions of the legislation if supporting a repeal.
 - Legislation repealed or rejected as a result of a citizens' initiative (or legislation that is similar) could not be re-enacted without the approval of a referendum unless the objectionable provisions or their effect have been removed.^[148]
 - The High Court of Australia will have power to determine whether legislation is the same or similar and whether or not the objectionable aspects remain.
 - To avoid excessive polling, referendums should be held at fixed intervals.^[149]
 - Unless there are three or greater successful full-scale initiatives, referendums should be held at the same time as Federal Elections.

Certain decisions to be reserved for Parliament

- The decision to go to war should be vested exclusively in the Australian Parliament, not the Executive.
- Executive power should be removed with regard to international legal instruments such as treaties and trade agreements.
 - The accession to and ratification of such instruments will be decided by Parliament.

[Return to contents](#)

Recognition of Aboriginal and Torres Strait Islander Peoples and prohibition of racial discrimination

Although European colonisation of our country began in 1788, the Australian continent has been the home of indigenous societies and cultures for at least 40,000 years.^[150] However, numerous indigenous societies have faced virtual destruction as a consequence of discrimination,^[151] paternalism,^[152] genocide,^[153] as well as the introduction of diseases,^[154] substance abuse,^[155] slavery^[156] and dependency on the state.^[157] Families have been broken up,^[158] and discrimination in the criminal justice system^[159] has inflicted further harm on Aboriginal and Torres Strait Islander Peoples and their societies. Moves to amend

the travesties of the past have been positive. The High Court's decision in the *Mabo v Queensland (No 2)*^[160] overturned the doctrine of *terra nullius* that was used to dispossess Aboriginal and Torres Strait Islander Peoples.^[161] The *Native Title Act 1993* (Cth) restored some land rights to Aboriginal and Torres Strait Islander Peoples. The 2008 apology to Aboriginal and Torres Strait Islander Peoples was symbolic of a nation willing to make amends for the horrors of the past.^[162] However, more needs to be done before we can truly have reconciliation in Australia.

Efforts have been made to recognise the rights of indigenous peoples (particularly in relation to land) in places such as the United States, New Zealand, Canada, Malaysia and South Africa.^[163] The Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples draws attention to the recognition of indigenous inhabitants in Finland, Norway, Sweden, Greenland (Denmark), Russia, Bolivia, Brazil, Colombia, Ecuador, Mexico and the Philippines, in addition to Canada, New Zealand, South Africa and the United States.^[164] These efforts range from recognition by the courts to treaties and constitutional recognition.

The Australian Constitution does not recognise Aboriginal and Torres Strait Islander Peoples as the original inhabitants of our country. It was drafted in an era of racial discrimination and the shadow on our constitution is undeniable.^[165] In particular Section 25 permits states to discriminate on the basis of race by disqualifying persons of that race from voting, and Section 51(xxvi) permits the Commonwealth Parliament to create laws for "the people of any race for whom it is deemed necessary to make special laws."^[166]

It is against this backdrop that the Pirate Party supports the recommendations of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples for a single referendum to repeal the 'race provisions' in the Australian Constitution (Sections 25 and 51(xxvi)), recognise Aboriginal and Torres Strait Islander Peoples as the original inhabitants and their languages as the original languages, and to include an explicit prohibition of racial discrimination.^[167] The Pirate Party agrees that, although there is still a long way to go, "constitutional recognition would provide a foundation to bring the 2.5 per cent [of Aboriginal and Torres Strait Islander Peoples] and the 97.5 per cent [of non-indigenous Australians] together, in a spirit of equality, recognition and respect, and contribute to a truly reconciled nation for the benefit of all Australians."^[168]

Support for the recommendations of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

- The Pirate Party supports a referendum as recommended by the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples^[169] in order to:
 - Repeal Section 25 and Section 51(xxvi) of the Constitution.
 - Insert a new Section 51A recognising Aboriginal and Torres Strait Islander peoples and providing the Commonwealth Parliament with the power to make laws in the interests of Aboriginal and Torres Strait Islander Peoples.
 - Insert a new Section 116A prohibiting racial discrimination.
 - Insert a new Section 127A recognising English as the national language and the Aboriginal and Torres Strait Islander languages as the original Australian languages, a part of our national heritage.

Economic reform

Merger of tax and welfare systems, and establishment of a basic income

Australia's tax and welfare systems have grown so complicated that they are almost impossible to understand.^[170] The tax system now comprises more than 120 different taxes^[171], and within the system are littered increasingly bad incentives which favour property speculation and penalise work and saving.^[172] The complexity nullifies any chance at real government transparency; it also forces more than two thirds of taxpayers to file returns through tax agents.^[173]

The welfare system also faces problems with complexity. It has grown in ad-hoc fashion to encompass more than 20 separate payments, each with different means tests, sub-payments, administrative arrangements and compliance regimes.^[174] Administrative costs for tax and welfare run to over \$5 billion annually, and over \$80 billion is "churned" (collected as tax and then returned to the same taxpayers as welfare) each year. Recipients leaving welfare for work often face a combination of large benefit cuts and income tax, which can lead to effective losses of more than 70% of earned income.^[175] This punishes the drive to be self-sufficient and creates a risk of inter-generational poverty.^[176]

Basic income through reverse taxation

Significant reforms are needed to improve transparency and fairness in the system. This need will only become more urgent as automation advances, potentially changing the face of the labour market and putting the system under more strain than ever before.^[177] As the challenges of the 21st century unfold, a comprehensively different model of tax and social support will be needed.

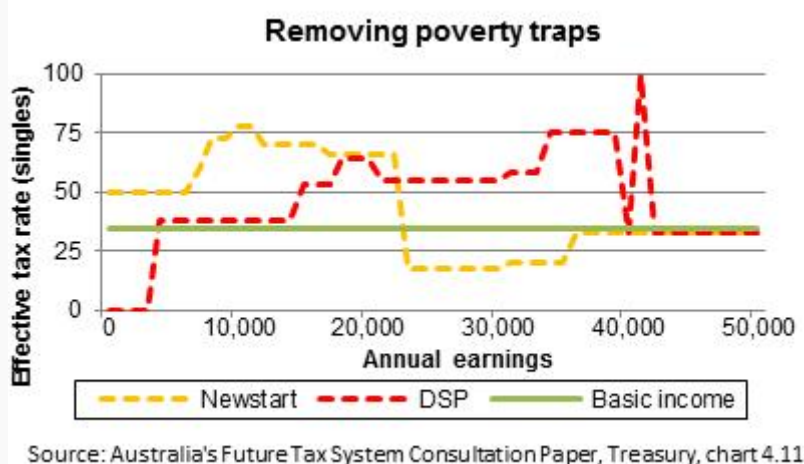
We believe it is time to combine the disparate systems of tax and welfare together, unifying them into a single system underpinned by a basic income guarantee. This basic income guarantee would be paid in the form of a negative income tax.

Negative income tax is tax in reverse - money paid by the government to those with low or no taxable income. It provides social support directly through the tax system rather than through a separate welfare system. Pirate Party Australia proposes a tax threshold of \$37,500 should be used in conjunction with a tax rate of 37.5%. Under this plan, the first \$37,500 of earnings would become tax-free, with a tax rate of 37.5% applied only on earnings above that. However, people earning less than \$37,500 will receive 37.5% of the shortfall transferred to them from the government in the form of negative income tax. Thus, persons earning nothing at all are guaranteed a basic income of just over \$14,000 (representing 37.5% of the \$37,500 by which they fall below the threshold). The following examples show how income is modified under a negative income tax:

Income before tax	Tax threshold	Gap between income & threshold	Tax rate	Change in income	Income after tax	Effective tax rate
-------------------	---------------	--------------------------------	----------	------------------	------------------	--------------------

\$0	\$37,500	-\$37,500	37.5%	+\$14,062	\$14,062	0%
\$27,500	\$37,500	-\$10,000	37.5%	+\$3,750	\$31,250	0%
\$37,500	\$37,500	\$0	37.5%	Nil	\$37,500	0%
\$47,500	\$37,500	\$10,000	37.5%	-\$3,750	\$43,750	7.9%
\$100,000	\$37,500	\$62,500	37.5%	-\$23,437	\$76,563	23.4%

A basic income system protects against poverty by providing a platform beneath which nobody can fall. It improves the bargaining power of the poorest in society, making it harder to force anyone into exploitative work or abusive domestic conditions.^{[178][179][180]} It also stabilises and supports low and volatile wages, smoothing the path for those seeking to shift from welfare into work. It cuts swaths of bureaucracy and welfare 'churn', and corrects a power imbalance by ensuring government can no longer take income from citizens while refusing counter-obligations to citizens whose income collapses.



A basic income guarantee provides a way to clear out poverty traps and bad incentives from our social support systems.

Most importantly, a basic income is a platform for 'positive liberty', granting everyone the freedom to seek education and training, volunteer, create art and culture, or raise children without bureaucratic obstacles and complex payment rules. A basic income is a platform on which 21st century entrepreneurship and creativity can be built.

On the tax side, a higher tax-free threshold will improve progressiveness in the income tax system. It also provides a simple means to replace the current mass of thresholds, offsets and tax breaks, which unduly favour wealthy investors and those who can afford tax accountants. Negative income tax is one of only a few tax and welfare proposals which has near-unified support among economists, demonstrating its merit as a serious economic reform.^{[181][182]}

Balancing revenue

A shift to negative income tax will reduce income tax receipts by around \$30 billion per year, with the bulk of benefit flowing to low income earners. Some of this could be made up through a price on carbon

emissions (see climate change policy), and a removal of fossil fuel rebates. Revenue could also be supported by abolishing tax breaks on negative gearing and capital gains: these loopholes have created a huge bias towards property speculation and locked a whole generation out of home ownership.^[183] The remaining, substantial tax reduction should simply be left intact as a means to support savings and work in Australia.

On the spending front, a negative income tax can replace the bulk of existing welfare and its associated bureaucracy, as well as a range of expensive and underperforming "employment services" whose function can be served in the private market. Once the savings are factored in the cost is minimal and likely to vanish in future years as incentives for welfare recipients improve.

Charity and fairness

A few other tweaks would improve the function of our tax and welfare system. All charities should be classified as 'deductible gift recipients' in the future: this will make every charitable donation and activity tax-deductible. At the same time, tax exemptions linked to 'advancement of religion' should be removed, since a modern secular society has no grounds to discriminate between taxpayers on the basis of their beliefs.

Pirate Party Australia would undertake the following staged reforms:

Combine tax and welfare into a single, fair system through a negative income tax

- Set tax rate to 37.5% with a threshold of \$37,500 (generating a basic income of \$14,062 p/a).^[184]
 - Adjust tax thresholds (and basic income) in line with inflation.
 - Time negative income tax payments to supplement regular wage payments, or transfer fortnightly to those with no income.
 - Ensure basic income is available to all persons aged 18 and over, following graduation from school.
- Ensure 'neutral' and equivalent tax treatment for all forms of income including fringe benefits, share transfers and dividends, earnings through interest, rental or private company income, and inflation-adjusted capital gains.
 - Phase out negative gearing over five years; allow investors to carry forward losses and deduct them from capital gains to reduce tax liability on property and asset sales.
 - Ensure superannuation contributions are tax-free, with withdrawals taxed as normal income (subject to credit where contribution tax was previously paid).
 - Limit tax exemption to charitable donations and items purchased for the purpose of disability support.
- 'Top up' the basic income in special cases:
 - An additional \$6,000 in child support to primary caregivers, with additional per-child payments reduced by 25% for each subsequent child.
 - A top-up to match existing pension levels for aged and disabled persons, veterans, and carers.
 - A top-up to match existing rent assistance for low income earners lacking public housing.
 - Taper out all 'top-ups' as income rises, with top-ups removed once income reaches \$100,000.

- Use the basic income to replace existing welfare programs including Newstart, Age Pension, Austudy, Family Tax Benefits parts A and B, School Kids Bonus, Income Support Bonus, Low Income Super Contribution, the Disability Support Pension, and Carer Payments.
- Use the higher tax threshold to replace existing tax offsets for senior Australians, mature age workers, overseas civilians, entrepreneurs, low income earners, holders of private health insurance, termination payments, zone offsets, notional tax offsets, and tax exemptions for foreign employment income.

Enact changes to broaden and improve tax collection.

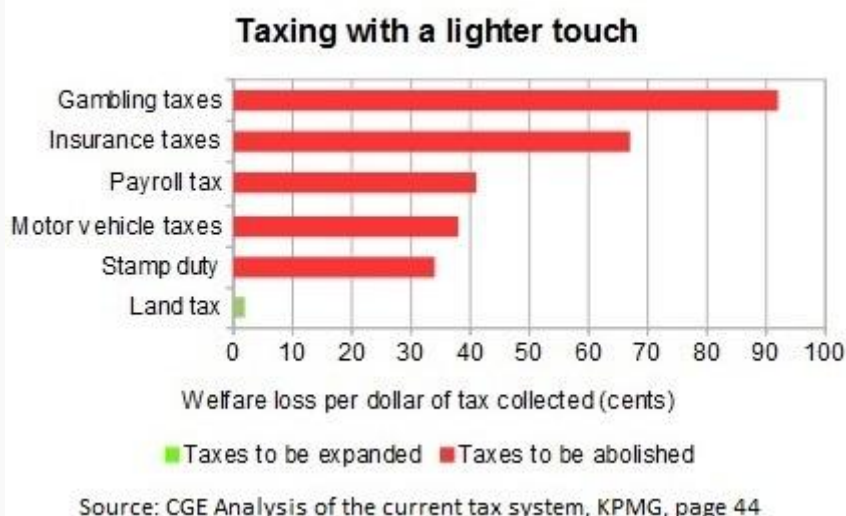
- Cap fuel tax credits at \$100,000 per year and abolish aviation fuel concessions, exploration and prospecting deductions.
- Tax trusts as companies.
- Restore a carbon price based on the 2012 model (see environment & climate change policy).

Improve citizen and charitable focus in the tax system

- Provide secure online mechanisms to allow citizens to easily review their financial relationship with government and conduct digital tax transactions.
- Ensure data and reviews on the function of taxes and transfer systems are made public.
- Remove ATO powers to impose or enforce confidentiality clauses on taxpayers.
- Extend 'deductible gift recipient' status to all registered charities.
- Remove 'advancement of religion' as a charitable activity for the purpose of determining tax exemption.
 - Retain exemptions for non-commercial income earned by religious organisations if the organisation meets any other categories for exemption including provision of charity, education, culture, community service, or health.

[Return to contents](#)

State reforms: housing affordability and the land value tax



A land value tax of 1.5 per cent would raise enough to replace all other state taxes.

Long before the creative commons were fenced off by intellectual property laws, a similar process was imposed to lock up the physical commons. Events such as the Enclosure laws—under which the nobility of the UK granted itself exclusive control of the nation's land, and drove out the commoners—have been repeated in many forms across many countries, and significantly shaped the world we live in today.

Land value tax is a way a modern economy can both improve its function and compensate those who are priced out of access to the land. A land value tax is best seen as a charge for services to a location. All landowners require government regulation and enforcement to protect their exclusive right to landholdings—a land value tax ensures these services are paid for by those who use them.

Making state taxes work

High returns for housing speculators come at a cost to others—namely those who are excluded from the housing market entirely, and those who can enter it only through crippling debt. The "housing boom" has increased Australia's debt by \$1 trillion over the past 20 years^[185], and nothing has been bought except land Australians already owned. High debt costs choke off money that might have been used for more productive things, and take a serious toll on innovation and creativity. Constant debt repayments make it hard to engage in entrepreneurialism and risk-taking, and lock people into "safe", unfulfilling jobs.

Australians also labour under many harmful, regressive and annoying state taxes. These include taxes on payrolls, which penalise job creation;^[186] gambling taxes, which increase state reliance on problem gambling and create harmful policy incentives; insurance taxes, which lead to under-insurance and expose the economy to greater risks, and stamp duties, which discourage mutually beneficial transactions such as the buying and selling of property. State taxes are the biggest culprits in a tax system which imposes deadweight losses of over \$20 billion on the economy every year.^[187]

The best way to solve both problems at once is a tax switch: a progressive removal of taxes on work and savings, and replacement with a single tax on the value of land. Unlike taxes on income and job creation, taxes on land value do nothing to discourage work and enterprise: in fact, they encourage better use of land.^[188] Improvements to land are not penalised, since land tax only levies on the unimproved value of land. However, land speculation and hoarding is discouraged: a land tax will force idle and unused land into the market. This extra supply will bring land prices back down to a normal level, opening up the housing market for new buyers.

Other benefits may also follow. Since public transport raises land value, a land value tax system will reward governments who build it. As cities contain the vast bulk of land value, a land value tax system would also lift a significant tax burden from regional areas, encouraging decentralism and enriching economies and communities outside of the cities. And as land tax is already raised locally, a tax switch would allow state governments to remove their revenue collection bureaucracies, sharply reducing their overall size.

Pirate Party Australia believes combined tax and spending across all layers of government should be kept below 25 per cent of GDP. Deficit reduction should be accomplished through economic reform rather than higher taxes, and no reform is more important than the removal of inefficient, investment-stifling and regressive taxes. Pirate Party Australia stands for a vibrant economy built on economic justice, a tax system worthy of the digital age, and a smaller, smarter government which frees its citizens to truly reach for life and liberty.

Simplify state taxes

- Abolish payroll tax, insurance taxes, stamp duties on cars and houses, gambling taxes and existing land taxes.
- Institute a per square-metre land tax based on unimproved land value with coverage extending to owner-occupied housing.
 - Apply a per-meter tax free threshold to exclude low-value land including agriculture.
 - Encourage states to apply progressive rates and different structures to encourage 'competitive federalism' and optimal tax builds.
 - Ensure no tax liability applies to land which is preserved in its natural state.
 - Protect income-poor taxpayers by allowing tax payments to be deferred until land is sold or ownership is transferred.

[Return to contents](#)

Distributed digital currencies

Distributed digital currencies such as Bitcoin^[189] (also referred to as cryptocurrencies) are an emerging and potentially highly disruptive technology, and are the subject of numerous official inquiries around the world.^{[190][191][192][193]} Existing payment methods carry significant risks - such as the need for consumers to share credit card details - and also impose dead-weight middle-men costs. Digital currencies offer a solution to these issues and a potential diversity of new financial services.

Digital currencies allow the population of a country to avoid potential currency devaluation as a result of fiscal and monetary policy. They offer a mechanism for risk-free online purchases, with transaction fees and middle men removed. Digital currencies also offer much to retail businesses. Existing payment systems are structurally unsuited to online transactions: paying online with a credit/debit card involves divulging card details to a slew of interested parties, with all costs associated with poor practices or fraud falling on the retailers, and ultimately on consumers. Distributed digital currencies correct this issue inherently^[194] and eliminate the need to divulge account details, ensuring vendors have access to incoming funds immediately with no risk of fraud.

Pirate Party Australia anticipates a large future for the general distributed currency concept, but to be successful Australia needs to actively engage in its development. Pressure from incumbent financial organisations seeking to restrict competition must be resisted, as self-exclusion will deny Australia potentially enormous benefits.

- Support the development of new technology businesses.
 - Ensure clear guidelines and a suitable regulatory environment are available for businesses.
 - Treat restriction of basic banking services to crypto-currencies businesses as an illegal restriction on trade, excepting where trade poses direct financial risks to the bank.
 - Ensure crypto-currency businesses with control over customer funds are subject to equivalent regulation to banks.
 - Ensure crypto-currency businesses without control over customer funds are not subject to traditional banking regulations, but are encouraged to self regulate.
- Change tax regulation to support distributed currencies in the broader community.

- Re-define digital currencies from a commodity to a currency for tax purposes.
- Count digital currency gains through 'mining' or speculation efforts as capital gains.

[Return to contents](#)

Infrastructure

Support for fibre-to-the-premises infrastructure projects

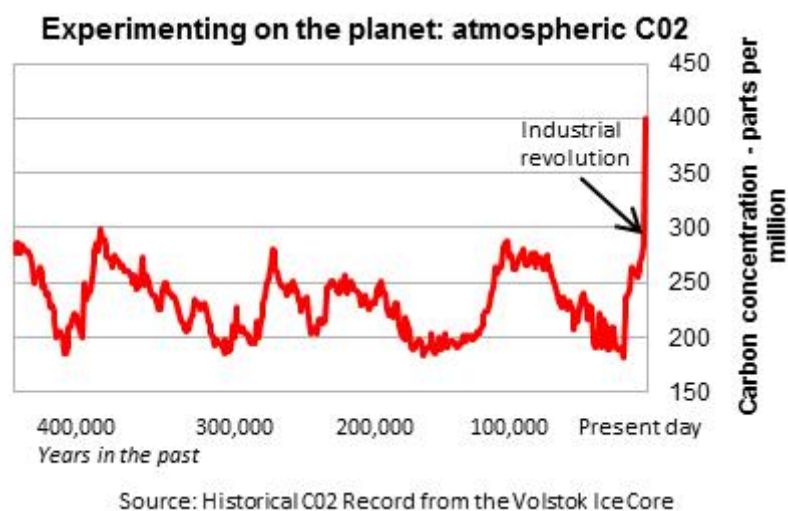
The current copper network is not sufficient to meet the requirements of a growing digital society. A fibre-to-the-premises infrastructure project that connects the majority of Australians to a fibre network, where economically feasible, is fundamental to the creation of a vibrant digital society in Australia.

[Return to contents](#)

Environment

Climate change and renewable energy

While the environment is perpetually changing, there is a risk that enormous changes imposed in a very short period of time may have a destabilising effect on our planet's ecology and life support systems. Carbon emissions represent a risk factor in this regard, but also an opportunity. Effective climate change policy should not merely mitigate risk, but accelerate technological change with significant benefits for society at large.



Human activity has increased the atmospheric concentration of heat-trapping gases to levels not seen for many hundreds of thousands of years, and the rise is accelerating.

Global energy markets are approaching the “crossover point”, when prices for on-site production and storage of energy fall below the price of traditional grid power.^[195] Technological progress will soon allow consumers to become ‘prosumers’ – energy users capable of independently generating their own power. A ‘prosumer’ market will be a freer market in which consumers directly compete with utilities.

A few simple changes could bring this future closer. Resources currently allocated to the Emissions Reduction Fund could be re-targeted towards research and technological development. Regulations could be changed to ensure consumers are freer to enter energy markets. Utilities could be deregulated so they can adopt leaner 'probabilistic' power models and offer new services such as trading platforms between distributed energy producers. Underlying it all, carbon pricing should be adopted to directly bring the price 'crossover' closer.

A shift from taxing savings and work to taxing carbon emissions will be economically beneficial in its own right. A fixed and predictable carbon price will provide the certainty which long-term investment requires^[196]; it will also create incentives for efficiency and innovation across the economy. Carbon taxes also ensure that polluters pay. Environmental externalities are a form of privatised profits and socialised losses, and carbon pricing is a way to ensure that coal mining repays some of the costs it imposes on national water reserves, agriculture, and public health.^{[197][198] [199] [200]}

In the longer term, reforms to encourage technology take-up and cleaner energy will pay for themselves. A distributed grid open to 'prosumer' competition will generate cheaper power as wastefully long power lines disappear and communities become increasingly self-sufficient. Successful climate change policy should produce benefits far beyond merely addressing climate change itself.

Enact measures to reduce carbon emissions by 50% by 2030

- Expand investment in technological improvement and community power.
 - Re-purpose the 'Emissions Reduction Fund' (ERF) to the CSIRO and ARENA to sponsor additional research and development in clean technology and power storage.
 - Ensure technology developed with public funding is made freely available to developing countries.
 - Extend Clean Energy Finance Corporation loans to support community power start-up costs and grid connections.
 - Amend AEMC rules to ensure power purchase agreements, solar services agreements, virtual net metering and other forms of decentralised grids are not hindered.
- Strengthen existing measures and price signals.
 - Restore a carbon tax with pricing set to the 2014-15 level and price increases fixed at CPI + 5% p/a.
 - Provide free permits to coal-generated power stations only where grid stability is at stake.
 - Apply a price on exported carbon, set to \$2 per tonne of exported thermal coal.
 - Revenue will be used to purchase carbon offsets through the UN clean development mechanism.
 - Provide a final extension in the Renewable Energy Target (RET) to 70,000 GWh by 2025.
 - Increase the number of renewable certificates offered for generation at peak periods to encourage baseload renewable generation.
 - Include waste-to-energy in RET certificate allocations.
 - Remove waste levy exemptions applying to coal power.
- Require transparent disclosure of energy ratings for all buildings.

- Adopt EU 2020 vehicle fuel efficiency standards including the passenger vehicle target of 95g CO2/Km by 2023.
 - Form a panel of government and industry representatives to develop a plan for roll-out of electric vehicle (EV) charging stations and development of an Australian standard for EV rechargers.^[201]
 - Offer assistance to private operators who wish to operate recharging stations through the Clean Energy Finance Corporation.
 - Create a corporation with joined State and Federal Government ownership to lease recharging sites on public land.

[Return to contents](#)

Land management and ecology

Pirate Party Australia believes we should tread lightly on our planet. Our precious ecology and fauna require careful and holistic management. Cases such as the Murray-Darling system show that ecosystems are too deeply interconnected to be managed in different ways across state borders, and a clear case exists for future environmental approvals to be conducted at the Federal level by a fully independent authority.^[202] Holistic management also creates a strong case for developing a new national Biodiversity Matrix, which will provide planners and the general public with a unified information source on our land and ocean ecosystems.

There also need to be practical measures to protect biodiversity on the ground. We will seek to both expand national parks and ensure that groups and communities have more avenues to assist with maintenance and management. We will also seek to re-allocate funding allocated to supporting 'green cars' - this funding is no longer required now that the automotive industry is departing. This funding can be better spent on urgent priorities such as water quality in the Great Barrier Reef. There also need for more intensive efforts to manage the problem of feral animals—including extra funding for both long-term research and immediate containment of the problem.

Pirate Party Australia believes the needs of farmers should be prioritised over activities such as coal seam gas (CSG) extraction. CSG extraction is being undertaken from a position of profound ignorance regarding its impacts on rivers, groundwater, and food security. Given the evidence of fugitive emissions leaks and other unforeseen impacts,^[203] a moratorium is likely to be necessary until more meaningful evidence is available to demonstrate that extraction can be done safely and without undue impacts.

Improve land management to protect biodiversity

- Expand the environmental oversight of the federal government to cover mining approvals, rivers and water areas, and national parks.
 - Provide independent statutory status to areas overseeing environmental approvals.
- Cancel 'automotive transformation scheme' and re-allocate the remaining \$650 million towards ecological protection:
 - Provide \$50 million to develop a Biodiversity Matrix to classify nationwide land and ocean ecosystems and species distribution.

- Information collected will be published, and will inform land use changes, management of threatened species, development approvals, and management of biodiversity issues and national parks.
- Provide \$200 million to sponsor endangered species plans and community group projects including sanctuaries and land management initiatives.
- Provide \$200 million to support long-term research and adaptive management aimed at curbing feral cats and foxes.
- Provide \$200 million to improve water quality and catchment management of the Great Barrier Reef.
- Expand and improve national parks.
 - Increase national park thresholds to cover 15% of land in Australia, with a representative sample of at least 80% of regional ecosystems protected in each bio-region.
 - Review national park legislation and remove restrictions on volunteerism and community engagement in improving parks.
 - Amend Environment Protection and Biodiversity Conservation Act to insert specific requirements for accountability and monitoring of Recovery Plans.
- Protect agricultural and farming land.
 - Grant landowners rights to refuse exploitation of coal and coal seam gas deposits on land they own.
 - Permanently ban extraction and exploration of coal and coal seam gas around prime farming land, water catchment areas and aquifers.
 - Apply a moratorium on new coal seam mines and additional use of existing mines in metropolitan areas, with periodical reviews to assess evidence and present recommendations on the scientific case for lifting or modifying the moratorium.

[Return to contents](#)

Animal welfare

The Pirate Party is opposed to animal abuse and believes our laws should be informed by scientific research which demonstrates the capacity of animals to feel emotion and pain.^[204] Better public understanding and greater transparency have been crucial to improvements in animal welfare to date, and we believe in the further application of these principles. Accordingly, we support existing efforts to create an independent statutory authority to conduct research and improve animal welfare outcomes. Such a body will have a significant role to play in addressing deep issues in areas such as live cattle exports, puppy farming, and greyhound racing.

There also need to be serious efforts to address the vast and systemic animal abuse in Australia's factory farms. Pirate Party Australia will do all it can to ensure that food production in Australia is conducted with less cruelty in future. A stronger ability to investigate animal abuse—combined with a general lifting in legislative standards—offer the best chance for a holistic improvement in animal welfare in factory farms and other areas.

Foster improvements in animal welfare

- Support existing proposals to form an Independent Office of Animal Welfare (IOAW).
 - The IOAW authority will be dedicated to animal welfare issues, with enforcement powers and a mandate to adopt a scientific approach.
 - The authority will have statutory independence to prevent political and commercial interference.
- Improve legislation applying to animal product industries.
 - Ban the use of sow stalls.
 - Codify a legal requirement for all abattoirs to stun animals prior to slaughter.
 - Provide whistleblower protection for persons who expose animal abuse at factory farms and other facilities.
 - Ensure transparent and clear labeling of all animal based products, with "free range" label permitted only when:
 - Independent audits of sanitary and welfare conditions are allowed.
 - For birds, indoor stocking density is at a maximum level of 28 kg of live birds per sq metre (35 kg for turkeys), with unrestricted access to an outdoor range with maximum of 1500 birds per hectare, no use of growth promoters, no mutilations (beak trimming, toe trimming, de-snooding).
 - For pigs and cattle, unrestricted access to soil and pasture and no use of farrowing crates, sow stalls, feedlots, tail docking, teeth clipping and nose ringing.

[Return to contents](#)

Health

Transparent, efficient health services

Pirate Party Australia believes that ensuring universal access to affordable, high-quality health care is a core responsibility of government. However, with resources tight it is necessary to accomplish this by improving the quality and priorities of existing spending, which already accounts for around 25% of overall federal, state and local government revenues.^[205]

Making better health affordable

The trend of rising health expenditure in many countries partly reflects growing demand due to the increasing effectiveness of clinical practice and ever more sophisticated medical research and technology.^[206] However, rising costs may also be driven by rent-seeking in an industry which is often far removed from the economic ideal of a free market due to high entry barriers and large information asymmetries.^[207] A key role of governments is to enforce effective regulation to protect patients from over-servicing, price-gouging and treatments which lack a solid evidence base. Ideally, the regulatory framework should allow maximum flexibility for medical staff, and avoid undermining the intrinsic, non-monetary motivations of health professionals.

Ideological cost-shifting between public and private sources should not be a priority for health reformers. Rather, the goal should always be to minimise the total public and private cost of achieving desired health outcomes. This can be done partly by removing the private health insurance rebate, which, by most

estimates, provides poor value for its \$5 billion per year cost. Removal of pharmaceutical patents and their replacement with alternative research incentives will also lower health costs by reducing medicine prices, creating huge savings for hospitals, patients, and consumers.^[208]

Health spending could be made more sustainable with a greater focus on preventative practices such as vaccinations and harm prevention. There will also be strong payoffs from efforts to reduce causative factors such as homelessness, drug abuse, and domestic violence.^[209]

The fragmented nature of Australia's health system, with responsibilities split between federal and state governments, requires reform in order to reduce perverse incentives to minimise costs within each funding silo instead of minimising the overall cost of treatment. In order to improve accountability and co-ordination, we also advocate financial support for general practitioners to take on the role of designated treatment coordinator^[210] for patients, particularly where patients have complex chronic conditions.

Plugging the gaps

Australia's health system faces several old challenges and several new ones.

Pirate Party Australia would seek to maximise the benefits of the NDIS by making items purchased for disability support tax-free. We also believe mental health efforts within the NDIS may need additional direct support. Suicide is the leading cause of death for Australians between the ages of 15 and 45^[211], and the fact that mental illness is itself a significant risk factor for physical ill-health means that better resourcing of treatment for the former often pays for itself by savings for the latter. A priority is to improve coordination of services to ensure that recovering patients have stable and appropriate housing, with access to ongoing support. Mental health advocates also stress the potential for better coordination between agencies to improve outcomes and reduce costs.^[212]

While most Australians can afford dental treatment and have adequate dental health, severe and chronic dental health issues have become concentrated among some lower income groups, with around one-third of Australians receiving no dental care at all.^[213] While some have called for a universal dental scheme, the Australian Dental Association has warned against it on the grounds that thinly rationed coverage across the board will prove unnecessary for the majority and insufficient for those in greatest need. Pirate Party Australia instead supports a model which focuses intensive resources on the poorest and most needy, and thereby achieves better outcomes at less overall cost. Such a dental plan could be easily funded out of savings from removing the Private Health Insurance Rebate.

Australia should also do more to avert the risk of growing resistance to antibiotics.^[214] Antibiotics for treating human infections are quite closely regulated in Australia, but better public education would help further reduce the number of unnecessary prescriptions for antibiotics. Pirate Party Australia also supports better monitoring of growth promoters in animal feed^[215] and antibiotic residues in imported fish and animal products.

Data and IT infrastructure

Pirate Party Australia supports moves by the Federal Government to establish a national system of electronic health records, provided strict privacy safeguards are enforced. Once in place, such a system promises to provide better medical care at a lower cost by avoiding duplication of diagnostic tests and by reducing the incidence of medical errors. The data gathered, once suitably anonymised, will be of great value to researchers for epidemiological and other studies, and free access should be maximised with

public funding of the necessary IT infrastructure. At the same time, to avoid an incentive to falsify medical records, the public must be assured that the data gathered cannot be used to discriminate against them, for instance by employers or insurance companies.

Pirate Party Australia advocates the following reforms:

Undertake measures which ensure best-value for money in the health system

- Abolish pharmaceutical patents and substitute a 'bounty' system to support pharmaceutical research (see patents policy).
- Remove private health insurance rebate and utilise savings (of around \$5 billion) to support other policy priorities.
- Revise health budget guidelines to ensure public subsidies for health services are determined by:
 - The seriousness of the patient's illness or injury,
 - The proven effectiveness of the treatment,
 - The financial capacity of the patient,
 - The wider public benefit (e.g, 'herd immunity' resulting from immunisations),
 - The opportunity cost for the rest of the health system.

Support general systemic improvements in Australia's health system

- Provide additional \$2.5 billion annually to the public health system to manage any increased patient need resulting from lower private health coverage.
 - Base fund allocations on existing funding ratios.
- Improve privacy safeguards for electronic health records (see civil liberties policy).
- Conclude development of a national system of electronic health records.
 - Ensure personal files incorporate strong cryptographic protection, and utilise a format easily processed with standard, free software.
- Trial a new annual payment for GPs to coordinate the care of patients with complex treatment needs.

Undertake new measures to close gaps in health coverage

- Provide \$2 billion per year to fund Australian Dental Association recommendations on improving dental health.
 - Fund direct service provision for those currently lacking access to dental care, including people facing financial disadvantage, people in remote areas, the elderly, children of health card concession holders, and those with special needs.
 - Increase incentives for dental students to accept rural placements by expanding the existing scheme for medical students.
- Support preventive and promotional health initiatives and integrate dental care into Australia's health plans.
- Provide \$500 million to support initiatives to curb homelessness, including:

- Direct investment in expanded accommodation services for mentally ill people facing homelessness;
- Seed funding to extend successful community programs including Common Ground^[216] and Journey to Social Inclusion.^[217]
- Establish a national centre to coordinate Australia's response to antibiotic resistance.

[Return to contents](#)

Law and order

An end to the war on drugs

People have always sought to alter their consciousness. Most human activity is an attempt to either experience positive emotions, or gain relief from negative ones. For some, good fortune and friendship provide the means for happiness. Yet for others, isolation and mental illness drive them in other directions for peace and relief. It is this category of people who are the primary target and victims of the war on drugs.

“

By getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalising both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.

Did we know we were lying about the drugs? Of course we did.

John Ehrlichman- senior advisor to President Nixon. [Source](#)

The war on drugs is best understood as a war on a market. Such wars are futile: demand always creates supply, and ad-hoc attacks on supply channels do nothing other than reduce the quality of drugs and increase the risks. Harsh punishment for drug use targets people who are cut off and isolated, and cuts off and isolates them more. In this way, drug prohibition worsens the fundamental drivers of addiction and forces a substitution of an unregulated black market in place of the legal one, making criminals of regular citizens and funding organised crime.

The cost of the war on drugs

At present the illegal drug market is worth around \$300 billion per year,^[218] making a mockery of prohibition. After 40 years, it is clear that the choice we face is not between drugs and no drugs, but between legal and illegal drug markets.

The illegal market funnels vast profits to criminals and imposes equally vast costs on society. The US spends \$50 billion per year fighting the war on drugs,^[219] and global spending is far greater. The secondary costs are incalculable: jailing people for drug offences does far more to destroy individual lives and potential than the drugs themselves. The policy is ineptly targeted, excluding alcohol and tobacco while imposing massive punishments on non-violent users of much less harmful products.^[220] In producer

countries, the illegal market has enriched drug cartels, causing thousands of deaths every year,^[221] corrupting civil societies and creating a risk of failed states.

Prohibition offers no success on any front: figures from the UN Office on Drugs and Crime show no observable decline in global drug use,^[222] nor is any decline evident in Australia.^[223] Results among individual nations show no correlation between drug use levels and the harshness of drug laws.^[224]

The remedy

The experience of Portugal—where decriminalisation led to an observable fall in addiction and deaths^[225]—suggests that a much better approach exists. Imprisonment is an immoral and ineffective way of handling mental health issues and other drivers of drug abuse. It is cheaper and more effective to handle these issues in the sphere of public health. Legalising and taxing safe drugs will raise revenue to fund better support services for addicts and their families. Decriminalising other drugs will broaden options for treatment and allow help to be extended without the threat of criminal sanctions. Effective policy must offer help and treatment, but must also recognise that most drug users are neither addicts nor criminals.

In handling drugs, policymakers should also take note of their one success: the campaign against tobacco. The anti-tobacco campaign has reduced the proportion of smokers by 40% over 20 years^[226] through a combination of advertising, warnings, and social sanctions in a legal framework. It is a far more successful model than prohibition, and a broader application of it should be considered.

Ultimately however, successful drug policy must bear in mind that the opposite of addiction is not abstinence, but connection. The state cannot control what a person puts into their own body—but it can help addicts to reconnect with society and offer a pathway out of addiction.

The Pirate Party proposes an end to the failed war on drugs and a shift towards an evidence-based model which treats drugs as a health issue instead of a criminal one.

Legalise safe, non-addictive drugs

- Establish a controlled substances committee comprising healthcare professionals. This committee will be instructed to use fact- and evidence-based approaches to:
 - Classify psychoactive substances based on criteria such as:
 - Addictive properties
 - Habituating properties
 - Perception impairment
 - Reversible impact on the user
 - Known therapeutic properties
 - Re-classification will be performed periodically.
 - The committee will be able to recommend conditions for obtaining legalised substances, such as requiring a psychological evaluation, etc.
- Legalise substances which are non-addictive and have a reversible impact on the user.
 - Remove all prohibitions on marijuana^{[227][228][229][230][231][232][233]} subject to appropriate health warnings and quality assurance.
- Apply a tax to legalised drugs.

- Tax rates will be set at a level which balances the need to manage health impacts with the need to provide financial incentives to avoid the black market.
- Regulate sales of legalised drugs.
 - Require licences for retailers (as per conditions for selling alcohol).
 - Include mandatory warnings on health risks.
 - Restrict products to sale in limited quantities, with no sales to intoxicated persons.
 - Ban all forms of advertising.
 - Ensure products are subject to strict quality control, with penalties for poor product quality being equivalent to those currently applied to pharmaceuticals.
 - Require age verification for all drug sales.
 - Exports to countries where drugs remain illegal will be a criminal offence unless products are sold under license to authorities in those countries that are legally permitted such purchases.
 - Retain criminal penalties for making drugs available to minors.

Partially decriminalise drugs which fail to meet the threshold for legalisation

- Apply decriminalisation to possession, purchase and consumption of small quantities (up to 14 days supply) of drugs for personal use.
 - Handle infractions outside the criminal justice system, with civil penalties including confiscation of drugs, treatment recommendations, and suspension of the right to practice in a profession where a duty of care exists.
 - Ensure treatment can be imposed as part of a prosecution if other civil or criminal acts are committed by a person under the influence of drugs.
 - Penalties for the sale of small quantities of decriminalised drugs should include fines and confiscation of products under civil law.
- Retain criminal sanctions for possession, sale or smuggling of substances in commercial quantities.
- Allow decriminalised drugs to be available under prescription.
 - Supply would be procured following medical consultation in instances where harm minimisation or addiction treatment requires it, or as a mechanism for reducing black market purchasing.
 - Chemists providing drugs will be required to provide dosage levels, toxicity information, and information about side effects, as per standard requirements for medication.

Redirect existing resources and additional revenue to fund more research and support services

- Expand mental health services, rehabilitation facilities, community support services, emergency housing, and programs to assist addicts with social re-integration.
 - Persons seeking treatment will be entitled to protection of their privacy as per a doctor-patient relationship.
- Adopt harm minimisation techniques.
 - Pharmacies will be encouraged to make clean needles and drug testing kits available.
- Redirect police and prison resources towards preventing violent crime.

- Curb the use of sniffer dogs and random "inspections" at public events.
- Undo restrictions on research and data collection imposed during prohibition.
 - Re-start research programs utilising previously banned drugs.
 - Re-start data collection on drug use and drug effects.

[Return to contents](#)

Foreign policy

Treaties

Like all legal mechanisms, treaties derive legitimacy through consent and consultation. In recent years, however, treaty negotiations have become progressively more secretive. Negotiations have become more exclusionary, and repeated requests for serious analysis of costs and benefits around preferential trade deals have been ignored.^[234] The Productivity Commission has recently warned, "Preferential trade agreements add to the complexity, and cost of international trade through substantially different sets of rules of origin, varying coverage of services and potentially costly intellectual property protections and investor-state dispute settlement provisions".^[235]

Recent preferential trade deals have included protectionist poison pills in the form of stronger IP laws, which open the way to greater rent-seeking^[236] and further-inflated prices for essentials such as medicine.^{[237][238]} Other "trade deals" have contained mandates for monitoring of internet use and surveillance,^[239] or have introduced new rights for corporations to sue governments.^[240]

None of this is necessary for true free trade. Free trade should be encouraged for the enormous economic benefits it brings, especially to developing countries. Trade provides an incentive for countries to engage with each other for their mutual benefit, laying the groundwork for broader co-operation and peace. Tariffs, often described as a tax on overseas producers, are in truth a tax on ourselves, offering little more than higher prices and protracted deaths to the industries they "protect". The best and simplest way to support trade is to remove trade barriers unilaterally as the Productivity Commission and virtually all serious economists recommend.^[241]

Support principles of transparency and openness in treaties and trade agreements

- Ensure treaty negotiations are subject to oversight and public participation.
 - Require a window for public participation and the availability of draft texts prior to signing.
- Conduct a constitutional referendum to require parliamentary oversight and consent in treaty making and other international instruments.
- Renegotiate or withdraw from treaties which unduly restrict policy including:
 - Treaties which bind Australia to economically harmful intellectual property laws. These include the Berne Convention, WIPO Copyright Treaty (WCT), Anti-Counterfeiting Trade Agreement (ACTA), Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), and Australia-United States Free Trade Agreement (AUSFTA).

- Treaties which oblige Australia to adopt failed models of drug prohibition. These include the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- Ban inclusion of investor-state dispute settlement provisions and ensure foreign businesses retain equivalent legal protections to domestic businesses.
- Ensure Australia complies fully with all treaty clauses which protect individual rights.
 - Remove exceptions granted to Australia which potentially reduce the capacity of the International Covenant on Civil and Political Rights (ICCPR) to protect Australian citizens.^[242]
- Begin negotiations on an international treaty to enshrine net neutrality, freedom of the internet from state control, and protection for private communication, free expression, and unrestricted access to information.

[Return to contents](#)

Defence, diplomacy and aid

Australia's defence strategy has been marred for decades by confused objectives.^[243] Australia's defence forces have been stretched between competing goals: defence for our continent on the one hand, and participation in faraway imperial projects on the other. On the domestic front, changes to laws have further muddied the waters, creating a precedent for the use of defence forces against civilians on domestic soil (in the name of protecting 'Commonwealth interests').^[244] We believe these confused objectives need to be resolved, and the defence force aligned to a simple purpose—namely safeguarding of Australia's territory and people. Use of the defence forces should also be reserved for times of real need, with full parliamentary oversight. This will allow for much greater transparency and better use of scarce resources.

Pirate Party Australia supports investment in high quality, 'asymmetric' capability designed to raise the costs of attacking Australia. Modern submarines are powerful defensive tools for an ocean-surrounded nation^{[245][246][247]} with some estimates suggesting they require an investment ratio of more than 100:1 to defeat (meaning every dollar spent on submarine capability requires at least \$100 for an aggressor to counter)^[248]. Reliable, affordable aircraft and a well equipped army are also useful as a way to deter rational aggressors by further increasing the scale of forces an invader would need to commit.

Other forms of spending should be reduced. Australia should cease spending on force projection and tools to invade and occupy other countries. The goal to increase spending to 2 per cent of GDP is arbitrary and unnecessary, and we oppose the current wasteful spending on flawed joint strike fighters,^[249] large and vulnerable warships,^[250] and long-range bombers. A simpler defence objective would also clear the way for significant cuts in defence bureaucracy.

Pirate Party Australia believes regional peacekeeping and security engagement are legitimate functions which should receive a higher priority.^[251] Regional engagement will facilitate trade and investment and provide channels to manage regional issues such as asylum seekers. Australia should also do more to meet its Millennium Development Aid targets. This could be done by re-allocating recent defence funding bloat and re-targeting it to support aid and regional development.^{[252][253]} This will promote Australia's security in ways that military power cannot.

Pirate Party Australia will also push governments to make better use of diplomatic channels. A much stronger response is needed following exposure of warrantless mass surveillance of Australian citizens by the US National Security Agency. We recognise that whistleblowers have played an invaluable role in exposing this, and we call for overseas whistleblowers who offer information relevant to the public good to be granted protection under Australian whistle blower laws. We also believe foreign intelligence and surveillance facilities operating in Australia should become subject to greater Australian oversight.

Improve defence transparency and focus

- Focus defence on safeguarding Australian people and territory.
 - Prioritise investment in 'sea denial' (off-the-shelf submarines and unmanned underwater vehicles), informational warfare, and intensive regional engagement.
 - Remove prime ministerial authority to commit Australia to war and ensure military engagement requires parliamentary approval with two-thirds support in both houses of parliament.
 - Repeal the Defence Legislation Amendment (Aid to Civilian Authorities) Act^[254].
 - Ensure the Defence Trade Controls Act^[255] does not restrict academic freedom or any right to encryption.
- Improve transparency of defence operations.
 - Subject foreign intelligence and surveillance facilities in Australia to parliamentary oversight.
 - Review national secrets files and release all material which is not operationally important.
 - Enact recommendations of the DLA Piper Review^[256] to protect defence personnel from abuse and misconduct.
- Reduce waste and stabilise defence funding at around 1.5 per cent of GDP.
 - Place funding for future capability into a separate budget, with spending subject to open tenders and public oversight.
 - Enact recommendations of First Principles Review^[257] to reduce defence bureaucracy, enhance strategic focus and improve efficiency.
 - Sell non-critical defence land and buildings to reduce maintenance costs and fund future capability.

Expand use of diplomacy and aid in support of global human rights

- Increase foreign aid to 0.5 per cent of GDP in line with Millennium Development Goals.^{[258][259]}
 - Increase export of generic medicines (see patents policy), and prioritise areas such as childhood nutrition, universal education, environmental preservation, and access to contraception and immunisation.
 - Ensure local producers are not disadvantaged by dumping of aid products, with local suppliers of goods and services to be used where practical.
- Support political asylum or subsidiary protection status for overseas whistleblowers per provisions of Article 14 in the Universal Declaration of Human Rights.^[260]
- Suspend extradition processes and law enforcement cooperation in cases where:
 - Only political offences have been committed.

- The act being investigated is not an offence in Australia.
- A death penalty could potentially apply.
- The nation involved has not ratified the United Nations Convention against Torture.
- Utilise diplomatic and political channels to seek urgent clarification from nations that Australia has intelligence sharing arrangements with regarding the scope of monitoring of Australian citizens.
- Provide protection under Australian whistleblower laws for overseas whistleblowers who offer information relevant to the public good.

[Return to contents](#)

Asylum seekers and refugees

Australia has not done well at handling asylum seekers in recent years. Previous policy changes contributed to a surge of boat arrivals which led to more than a thousand deaths at sea and overwhelmed processing capacity, leading to indefinite detention for tens of thousands^{[261][262]} More recently, policy towards asylum seekers has swung the other direction, becoming so harsh that the lives of those imprisoned have been destroyed in the name of creating a “deterrence” for others.

A more balanced and humane approach ultimately requires a regional solution. We believe efforts should begin at once to set up a single regional asylum seeker 'queue'. Asylum seekers arriving anywhere in the region should be subject to a single processing system overseen by an independent body with all participating nations accepting a share of approved refugees. The existence of a common regional queue would remove specific incentives to travel to Australia, reducing drowning and deterring backdoor economic migration. A regional approach would encourage information pooling to improve document and identity checking, and a transparent allocation process to reduce disputes between nations. The creation of a new system of oversight would allow for a best practice approach built from the ground up, with a humane appeals process and a means for swift and safe return of arrivals deemed not to be asylum seekers.

Such a scheme would require funding, leadership, and specific incentives provided by Australia to encourage sign-up. However, Australia currently spends over \$1 billion per year on detention facilities,^[263] and redirection of these funds will free up significant resources. Nations such as Indonesia would have strong incentives to sign up, both to receive incentives, and to obtain help with settling their large backlog of asylum seekers. As participating countries would be required to sign the UN Refugee Convention, funding and aid from Australia could become a mechanism for improving region-wide standards in asylum seeker handling.

Asylum seeking is lawful, and processing should not last longer than the minimum time-frame necessary to assess claims and conduct health and security checks. Approved asylum seekers can be brought into the community, provided with support and training, and settled in areas where jobs remain persistently vacant (the National Farmers Federation estimates around 96,000 jobs are unfilled in regional areas).^[264]

The Pirate Party believes it is past time that our response to the plight of vulnerable people embodied our best qualities instead of our worst.

Set up a single regional asylum seeker "queue" comprising willing refugee convention signatory countries

- Australia to offer funding and leadership.
- All countries take a share of asylum seekers according to a transparent allocation process.
- A single process will provide common housing, education, treatment and assessment for all asylum seekers who arrive in any participating country.
 - Assessments, health & security checks to be conducted in common, agreed places.
 - Process to be overseen by UNHCR or by an independent, expert organisation.
 - Assessment of backlogged claims to be fast-tracked.
 - Families should be kept together, and asylum seekers may submit preferences on a destination nation.
 - Preferences may be taken into account, but final decisions to be made by the overseeing body in line with agreed quotas.
 - Nations to pool information to assist with document and identity checking.
 - Processing will follow all relevant international law and treaties.

Refugees accepted into Australia to be released into the community

- Successful asylum seekers assigned to Australia to be brought safely as refugees (by plane or naval vessel).
- Conditions of release should include reporting requirements and continued availability for processing.
- Peer-driven community training and social services will help refugees understand their legal rights, build social networks, and overcome disadvantage (language barriers, skills, trauma, etc).
- Refugees to be provided with a basic income, a right to work, and a pathway to citizenship.
- Savings from closing offshore detention centres to be redirected in order to provide:
 - Incentives for regional nations to sign the refugee convention and engage with the plan.
 - Resources to speed processing times, develop humane processing practices, and improve support services in destination countries.

[Return to contents](#)

References

1. [Jump up](#) "Racial Discrimination Act 1975", Section 18C, http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/s18c.html (Accessed 1/7/2013)
2. [Jump up](#) "18C of the Racial Discrimination Act must be repealed to reinstate traditional university discourse", Sun, 18/11/2012, <http://www.theindependentaustralian.com.au/node/178> (Accessed 1/7/2013)
3. [Jump up](#) MSNBC, "British Keytarist Arrested for Singing Kung Fu Fighting", 27/4/2011, http://www.nbcnews.com/id/42779407/ns/world_news-europe/t/man-arrested-singing-kung-fu-fighting/#.UdF56fIHKSo (Accessed 1/7/2013)
4. [Jump up](#) Mediawatchwatch, "The Blasphemy law is back", 5/3/2010 <http://www.mediawatchwatch.org.uk/2010/03/05/the-blasphemy-law-is-back/> (Accessed 1/7/2013)

5. [Jump up](#) Moon, "Hate Speech Regulation in Canada", Florida State University, Vol. 36:79, Page 89, <http://law.fsu.edu/journals/lawreview/downloads/361/moon.pdf> (Accessed 1/7/2013)
6. [Jump up](#) Liptak, "Unlike Others, U.S. Defends Freedom to Offend in Speech", 12/6/2008, <http://www.nytimes.com/2008/06/12/us/12hate.html?pagewanted=all&r=0> (Accessed 1/7/2013)
7. [Jump up](#) Collins, Stephen. "The truth about refused classification." *The Drum Opinion*. 14 October, 2010. <http://www.abc.net.au/unleashed/40072.html> (Accessed 30 March 2013).
8. [Jump up](#) Question on notice no. 2821, Parliament of Australia, 11 February 2013, http://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/qon/question?number=2821
9. [Jump up](#) Wallbank, "ASIC's section 313 spiderweb", 6 June 2013, <http://www.businessspectator.com.au/article/2013/6/6/technology/asics-section-313-spiderweb> (Accessed July 1 2013)
10. [Jump up](#) Wallbank, "The secret business of blocking websites", 6 June 2013, <http://www.smartcompany.com.au/business-tech-talk/055903-the-secret-business-of-blocking-websites.html> (Accessed July 1 2013)
11. [Jump up](#) Anti-Terrorism Act 2005, Schedule 7—Sedition, <https://www.comlaw.gov.au/Details/C2006C00754/Html/Text#param164>, Accessed 5 July 2015
12. [Jump up](#) Racial Discrimination Act, section 18C "Offensive behaviour because of race, colour or national or ethnic origin", https://www.comlaw.gov.au/Details/C2014C00014/Html/Text#_Toc374609996, Accessed 5 July 2015
13. [Jump up](#) Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007, <https://www.comlaw.gov.au/Details/C2007A00179>, Accessed 5 July, 2015
14. [Jump up](#) National Security Legislation Amendment Bill (No. 1) 2014. http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s969, (Accessed June 22, 2015)
15. [Jump up](#) Broadcasting Services Amendment (Online Services) Act 1999, <https://www.comlaw.gov.au/Details/C2004A00484>, (Accessed June 22, 2015)
16. [Jump up](#) Communications Legislation Amendment (Content Services) Act 2007, <https://www.comlaw.gov.au/Details/C2007A00124>, (Accessed June 22, 2015)
17. [Jump up](#) Section 313 of the Telecommunications Act, http://www.austlii.edu.au/au/legis/cth/consol_act/ta1997214/s313.html, (Accessed June 22, 2015)
18. [Jump up](#) McDonald, Stephanie. "Web inventor says proposed data retention laws a "bad idea"." *Computerworld*. 29 January, 2013. http://www.computerworld.com.au/article/452142/web_inventor_says_proposed_data_retention_laws_bad_idea/ (Accessed 30 March 2013).
19. [Jump up](#) Brew, Nigel. "Telecommunications data retention—an overview." Foreign Affairs, Defence and Security Section. 24 October, 2012. http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/DataRetention (Accessed 30 March 2013).
20. [Jump up](#) Electronic Frontier Foundation, The Top 5 Claims That Defenders of the NSA Have to Stop Making to Remain Credible, June 2 2014, <https://www.eff.org/deeplinks/2014/06/top-5-claims-defenders-nsa-have-stop-making-remain-credible> (Accessed 6 July 2016)
21. [Jump up](#) New Statesman, Mass surveillance doesn't work – it's time to go back to the drawing board, 11 February 2016, <http://www.newstatesman.com/politics/staggers/2016/02/mass-surveillance-doesn-t-work-it-s-time-go-back-drawing-board> (Accessed 6 July 2016)

22. [Jump up](#) Greenwald and MacAskill, "NSA Prism program taps in to user data of Apple, Google and others", June 7 2013, <http://www.guardian.co.uk/world/2013/jun/06/us-tech-giants-nsa-data> (Accessed June 20 2013)
23. [Jump up](#) Gellman and Poitras, "U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program", June 7 2013, http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html (Accessed June 20, 2013)
24. [Jump up](#) NSA slides explain the PRISM data-collection program, Washington Post, June 6 2013, <http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents/> Accessed June 20, 2013)
25. [Jump up](#) Cybercrime Act 2001, <https://www.comlaw.gov.au/Details/C2004A00937>, (Accessed June 22, 2015)
26. [Jump up](#) Telecommunications (Interception and Access) Act 1979, <https://www.comlaw.gov.au/Details/C2013C00361>, (Accessed June 22, 2015)
27. [Jump up](#) National Security Legislation Amendment Bill (No.1) 2014, http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s969, Accessed 5 July 2015
28. [Jump up](#) Intelligence Services Legislation Amendment Bill 2011, <https://www.comlaw.gov.au/Details/C2011A00080>, Accessed 5 July 2015
29. [Jump up](#) "Australian Privacy Foundation Policy Statement re Privacy and the Media", Revision of 26 March 2009, <http://www.privacy.org.au/Papers/Media-0903.html#Fmwk> (Accessed 1/7/2013)
30. [Jump up](#) Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013).
31. [Jump up](#) Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 5.
32. [Jump up](#) Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 6.
33. [Jump up](#) Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 4–5.
34. [Jump up](#) UNSW, "Submission to COAG Review of Counter-Terrorism Legislation", 21/09/2013, http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/coag_counter-terrorism_review.pdf (Accessed 1/7/2013)
35. [Jump up](#) Shoebridge, "Why Journalists Need Shield Laws", 9/5/2013, <http://newmatilda.com/2013/05/09/why-journalists-need-shield-laws> (Accessed 1/7/2013)
36. [Jump up](#) McClymont, "Crime commission demands journalists' phones", 18/3/2011, <http://www.smh.com.au/national/crime-commission-demands-journalists-phones-20110317-1bz4k.html> (Accessed 1/7/2013)
37. [Jump up](#) *Marriage Amendment Act 2004* (Cth) <http://www.comlaw.gov.au/Details/C2004A01361> (accessed 9 March, 2013).
38. [Jump up](#) Cannold, Lesley. "Australia's Fading Separation Between Church and State." *ABC Religion & Ethics*. "13 May, 2011. <http://www.abc.net.au/religion/articles/2011/05/13/3216153.htm> (accessed 9 March, 2013).
39. [Jump up](#) *Marriage Amendment Act 2004* (Cth) <http://www.comlaw.gov.au/Details/C2004A01361> (accessed 9 March, 2013).
40. [Jump up](#) Australian Human Rights Commission. Submission to the Senate Legal and Constitutional Legislation Committee on the Provisions of the Marriage Legislation Amendment Bill 2004 (Cth). August 2004. http://humanrights.gov.au/legal/submissions/marriage_leg.html (accessed April 24, 2013).

41. [Jump up](#) Australian Medical Students Association. *Marriage Equality and Health*. (March 2012).http://media.amsa.org.au/policy/2012/201203_marriage_equity_and_health_policy.pdf (accessed 9 March, 2013).
42. [Jump up](#) Geist, Michael. "Secret Treaty To Curb Internet Freedom." *Global Research Centre for Research on Globalization*. 13 April, 2010.<http://www.globalresearch.ca/secret-treaty-to-curb-internet-freedom/18782> (Accessed 30 March 2013).
43. [Jump up](#) Agence France-Presse. "U.S. diplomat warns of global effort to curb Internet freedom." *The Raw Story*. 7 March, 2013.<http://www.rawstory.com/rs/2013/03/07/u-s-diplomat-warns-of-global-effort-to-curb-internet-freedom/> (Accessed 30 March 2013)
44. [Jump up](#) Brew, Nigel. "Telecommunications data retention—an overview." Foreign Affairs, Defence and Security Section. 24 October, 2012.http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/DataRetention (Accessed 30 March 2013).
45. [Jump up](#) Reporters Without Borders. "Internet Enemies: Report 2012." March 2012. http://march12.rsf.org/i/Report_EnemiesoftheInternet_2012.pdf (Accessed 30 March 2013).
46. [Jump up](#) Lessig, Lawrence & McChesney, Robert W. "No Tolls on The Internet." *The Washington Post*. 8 June, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/07/AR2006060702108.html> (Accessed 30 March 2013).
47. [Jump up](#) Lessig, Lawrence & McChesney, Robert W. "No Tolls on The Internet." *The Washington Post*. 8 June, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/07/AR2006060702108.html> (Accessed 30 March 2013).
48. [Jump up](#) Burnside QC, Julian. "It's Time. A Bill of Rights for Australia." 2008 International Human Rights Day Address.<http://www.julianburnside.com.au/It%27s%20Time.htm>, (accessed 2 April, 2013).
49. [Jump up](#) United Nations. Universal Declaration of Human Rights. <http://www.un.org/en/documents/udhr/> (accessed 2 April, 2013).
50. [Jump up](#) United Nations. International Covenant on Civil and Political Rights (1966).http://en.wikisource.org/wiki/International_Covenant_on_Civil_and_Political_Rights (accessed 2 April, 2013).
51. [Jump up](#) United Nations. International Covenant on Economic, Social and Cultural Rights (1966).http://en.wikisource.org/wiki/International_Covenant_on_Economic,_Social_and_Cultural_Rights, (accessed 2 April, 2013).
52. [Jump up](#) Pirate Party Australia. "Parliament Dismantling Democratic Institutions." *Pirate Party Australia*. 7 February, 2013.<https://pirateparty.org.au/2013/02/07/parliament-dismantling-democratic-institutions/> (accessed 2 April, 2013).
53. [Jump up](#) Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 (Cth).http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4863 (accessed 2 April, 2013).
54. [Jump up](#) Center for the Study of the Public Domain. "The Incredible Shrinking Public Domain." *Center for the Study of the Public Domain*. No date.<http://web.law.duke.edu/cspd/publicdomainday/2012/shrinking> (Accessed 6 March, 2013).
55. [Jump up](#) Bridge, Sarah. "Stores under attack from the 'music licence Gestapo'." *This is Money*. 16 October, 2011. <http://www.thisismoney.co.uk/money/news/article-2049502/Stores-attack-music-licence-Gestapo.html> (Accessed 20 February, 2013).
56. [Jump up](#) Lavender, Jane. "Radio ga ga at Bolton pasty shop." *The Bolton News*. 8 October, 2008.http://www.theboltonnews.co.uk/search/3735632.Radio_ga_ga_at_Bolton_pasty_shop/ (accessed February 20, 2013).
57. [Jump up](#) Russia Today. "Copyright madness: \$1 million for 7 songs." *Russia Today*. 21 April, 2009. <http://rt.com/usa/copyright-madness-1-million-for-7-songs/> (accessed 22 April, 2013).

58. [Jump up](#) Maxwell, Andy. "Copyright Cops Target Kids' Schools and Community Centres." *TorrentFreak*. October 15, 2008. <http://torrentfreak.com/uk-copyright-cops-target-kids-schools-community-centers-081015/> *(accessed 22 April, 2013).
59. [Jump up](#) Rasheed, Sarah. "Germans Blocked on YouTube from Watching Russian Meteor Strike Videos." *American Live Wire*. 21 February, 2013. <http://americanlivewire.com/germans-blocked-on-youtube/> (accessed 22 April, 2013).
60. [Jump up](#) Ammori, Marvin. "Why Tweeting MLK's 'I Have a Dream' Speech Now Constitutes Civil Disobedience." *Slate*. 18 January, 2013. http://www.slate.com/blogs/future_tense/2013/01/18/internet_freedom_day_why_tweeting_mlk_s_i_have_a_dream_speech_is_now_civil.html (Accessed March 2 2013).
61. [Jump up](#) Hunton & Williams, "Study on Online Copyright Enforcement and Data Protection in Selected Member States." *European Commission DG Internal Market and Services*. November 2009. http://ec.europa.eu/internal_market/iprenforcement/docs/study-online-enforcement_en.pdf (accessed April 22, 2013).
62. [Jump up](#) Stop Online Piracy Act. HR 3261, s 103. 112th Congress (2011). <http://www.govtrack.us/congress/bills/112/hr3261/text> (accessed 20 February, 2013).
63. [Jump up](#) Taylor, Josh. "First person fined under NZ three-strikes law." *ZDNet*. 30 January, 2013. <http://www.zdnet.com/au/first-person-fined-under-nz-three-strikes-law-7000010535/> (Accessed 20 February 2013).
64. [Jump up](#) Wikipedia. "HADOPI law." *Wikipedia*. http://en.wikipedia.org/wiki/HADOPI_law (accessed 22 April, 2013).
65. [Jump up](#) Congressional Record — House. H9946, 7. October 7, 1998. <http://www.gpo.gov/fdsys/pkg/CREC-1998-10-07/pdf/CREC-1998-10-07-pt1-PgH9946.pdf#page=7> (Accessed March 27 2013).
66. [Jump up](#) Palo Alto Networks. "New Report Shows Dramatic Increase in P2P Filesharing and Streaming Media Worldwide." *Palo Alto Networks*. June 27, 2012. <http://www.paloaltonetworks.com/news/press/2012/New-Report-Shows-P2P-Filesharing-Streaming-Media-Use-Exploding-Worldwide.html> (Accessed February 20 2013).
67. [Jump up](#) The Economist. "Having a ball." *The Economist*. 7 October, 2010. <http://www.economist.com/node/17199460> (accessed 22 April, 2013).
68. [Jump up](#) Oberholzer-Gee, Felix & Strumpf, Koleman. "File-Sharing and Copyright." *Harvard Business School*. 16. <http://www.hbs.edu/faculty/Publication%20Files/09-132.pdf> (accessed 22 April, 2013).
69. [Jump up](#) Masnick, Mike. "Yet Another Study Shows That Weaker Copyright Benefits Everyone." 17 June, 2009. <http://www.techdirt.com/articles/20090617/1138185267.shtml> (Accessed 20 February 2013).
70. [Jump up](#) Pollock, Rufus. "Forever Minus a Day? Calculating Optimal Copyright Term." *Review of Economic Research on Copyright Issues*. Volume 6, issue 1, pp35-60 (2009). p35. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1436186 (Accessed 22 April 2013).
71. [Jump up](#) House of Representatives Standing Committee on Infrastructure and Communications, Parliament of Australia, *At what cost? IT pricing and the Australia tax*(2013) xii–xiii.
72. [Jump up](#) The Printing Revolution, http://en.wikipedia.org/wiki/Printing_press#The_Printing_Revolution, (Accessed June 22 2015)
73. [Jump up](#) Information wants to be free, http://en.wikipedia.org/wiki/Information_wants_to_be_free, (Accessed June 22 2015)
74. [Jump up](#) Music WorldWide - STEVE ALBINI: "THE MUSIC INDUSTRY IS A PARASITE... AND COPYRIGHT IS DEAD" <http://www.musicbusinessworldwide.com/steve-albini-the-music-industry-is-a-parasite-and-copyright-is-dead/>, (Accessed June 22 2015)
75. [Jump up](#) Techdirt: "Why The 'Missing 20th Century' Of Books Is Even Worse Than It Seems", <https://www.techdirt.com/articles/20120330/12402418305/why-missing-20th-century-books-is-even-worse-than-it-seems.shtml>, (Accessed June 22 2015)

76. [Jump up](#) Center for the study of the public domain "The Incredible Shrinking Public Domain", <http://web.law.duke.edu/cspd/publicdomainday/2012/shrinking> , (Accessed June 22 2015)
77. [Jump up](#) Deutsche Welle: "How libraries in Germany are fighting extinction - and winning", <http://www.dw.de/how-libraries-in-germany-are-fighting-extinction-and-winning/a-18478412>, (Accessed June 22 2015)
78. [Jump up](#) Wired: "WHY YOUR LIBRARY MAY SOON HAVE LASER CUTTERS AND 3-D PRINTERS", <http://www.wired.com/2014/09/makerspace/>, (Accessed June 22 2015)
79. [Jump up](#) arstechnica: "Accuracy takes power: one man's 3GHz quest to build a perfect SNES emulator", <http://arstechnica.com/gaming/2011/08/accuracy-takes-power-one-mans-3ghz-quest-to-build-a-perfect-snes-emulator/>, (Accessed June 22 2015)
80. [Jump up](#) Essential Report: "Trust in institutions", <http://essentialvision.com.au/trust-in-institutions-3>, (Accessed June 22 2015)
81. [Jump up](#) torrentfreak - RICK FALKVINGE: "YOU CAN'T DEFEND PUBLIC LIBRARIES AND OPPOSE FILE-SHARING", <https://torrentfreak.com/you-cant-defend-public-libraries-and-oppose-file-sharing-150510/>, (Accessed June 22 2015)
82. [Jump up](#) "Education For All: Meeting Our Collective Commitment", Text adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000, http://www.unesco.org/education/efa/fr/ed_for_all/dakfram_eng.shtml (Accessed June 20 2013)
83. [Jump up](#) Boyle, Why co-ops should be the future for childcare, June 2012. <http://www.theguardian.com/social-enterprise-network/2012/jun/07/cooperative-childcare-private-equity-nurseries> (Accessed 8 July 2014)
84. [Jump up](#) Maddox, Rise of private schools marks return to 19th century waste, February 2014, <http://www.theage.com.au/comment/rise-of-private-schools-marks-return-to-19th-century-waste-20140207-32745.html> (Accessed 8 July 2014)
85. [Jump up](#) Connors, Lyndsay and McMorrow, Jim, "Imperatives in Schools Funding: Equity, sustainability and achievement" (2015) <http://research.acer.edu.au/aer/14> - see pp. 57-58
86. [Jump up](#) PISA in Brief, Highlights from the full Australian report, December 2013. <http://www.abc.net.au/news/2013-12-03/pisa-2012-results-in-brief/5132794>(Accessed 7 July 2014)
87. [Jump up](#) Hurst, Australia's poor school results spark fresh debate about education funding, December 2013, <http://www.theguardian.com/world/2013/dec/04/coalition-seizes-on-poor-test-rankings-to-claim-more-money-does-not-improve-results> (Accessed 7 July 2014)
88. [Jump up](#) Buckingham, The rise of religious schools, Centre for Independent Studies, page 2, 2010. <https://www.cis.org.au/images/stories/policy-monographs/pm-111.pdf> (Accessed 8 July 2014)
89. [Jump up](#) Maddox, Too Much Faith in Schools: The Rise of Christian Schooling in Australia, 21 March 2014. <http://www.abc.net.au/religion/articles/2014/03/20/3968199.htm> (Accessed 8 July 2014)
90. [Jump up](#) PISA in Brief, Highlights from the full Australian report, December 2013. <http://www.abc.net.au/news/2013-12-03/pisa-2012-results-in-brief/5132794>(Accessed 7 July 2014)
91. [Jump up](#) Hurst, Australia's poor school results spark fresh debate about education funding, December 2013, <http://www.theguardian.com/world/2013/dec/04/coalition-seizes-on-poor-test-rankings-to-claim-more-money-does-not-improve-results> (Accessed 7 July 2014)
92. [Jump up](#) "Occupational stress in Australian university staff: Results from a national survey", Winefield et al. 2002, page 8
93. [Jump up](#) Kayrooz, Kinnear & Preston, "Academic Freedom and Commercialisation of Australian Universities: Perceptions and experiences of social scientists", Australia Institute, 2001, page 23

94. [Jump up](#) Shah and Nair, "Employer Satisfaction of University Graduates" Key Capabilities in Early Career Graduates", 2011, https://otl.curtin.edu.au/professional_development/conferences/tlf/tlf2011/refereed/shah.html (Accessed June 20 2013)
95. [Jump up](#) Hil, "Whackademia: An Insider's Account of the Troubled University", 2012, page 18
96. [Jump up](#) Boldrin, Michele & Levine, David K. "Introduction." *Against Intellectual Monopoly*. Cambridge, UK: Cambridge University Press, 2008. <http://www.dklevine.com/papers/imbookfinalall.pdf> (pp1–5).
97. [Jump up](#) Boldrin, Michele & Levine, David K. "Market Size and Intellectual Property Protection." *International Economic Review*. Volume 50, issue 3, pp855-881 (August 2009). <http://ssrn.com/abstract=1432245> (accessed 22 April, 2013).
98. [Jump up](#) Bezos, Jeff. "Bezos and O'Reilly Spearhead Call for Patent Reform." *O'Reilly Media*. 3 September, 2000. http://oreilly.com/news/amazon_patents.html(accessed 12 March 2013).
99. [Jump up](#) Lemley, Mark A. "Let's Go Back to Patenting the 'Solution,' Not the 'Problem'." *Wired*. 31 October, 2012. <http://www.wired.com/opinion/2012/10/mark-lemley-functional-claiming/> (accessed 12 March, 2013).
100. [Jump up](#) Lemley, Mark A. "Software Patents and the Return of Functional Claiming." *Stanford Law School*. July 2005. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2117302 (accessed 22 April, 2013).
101. [Jump up](#) James, Craig A. & Jones, Pamela. "Patents — An Alternative View". *Groklaw*. 11 October, 2004. <http://www.groklaw.net/articlebasic.php?story=2004101107275739> (accessed 12 March, 2013).
102. [Jump up](#) *Cancer Voices Australia v Myriad Genetics Inc* [2013] FCA 65 <http://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2013/2013fca0065>
103. [Jump up](#) *Association for Molecular Pathology v United States Patent and Trademark Office* (Fed Cir, 2010-1406) 16 August, 2012. <http://www.genomicslawreport.com/wp-content/uploads/2012/08/CAFC-Myriad-Rehearing-Opinion.pdf>
104. [Jump up](#) Langreth, Robert. "Myriad Stymies Cancer Answers by Impeding Data Sharing." *Bloomberg*. 28 December, 2012. <http://www.bloomberg.com/news/2012-12-28/myriad-stymies-cancer-answers-by-impeding-data-sharing.html> (Accessed March 12 2013).
105. [Jump up](#) Vines, Tim. "You Are Not A Drug." *New Matilda*. 5 July, 2012. <http://newmatilda.com/2012/07/05/you-are-not-drug> (Accessed March 12 2013).
106. [Jump up](#) Langreth, Robert. "Myriad Stymies Cancer Answers by Impeding Data Sharing." *Bloomberg*. 28 December, 2012. <http://www.bloomberg.com/news/2012-12-28/myriad-stymies-cancer-answers-by-impeding-data-sharing.html> (Accessed March 12 2013).
107. [Jump up](#) Boldrin, Michele & Levine, David K. "Chapter 9: The Pharmaceutical Industry." *Against Intellectual Monopoly*. Cambridge, UK: Cambridge University Press, 2008. <http://www.dklevine.com/papers/imbookfinalall.pdf> (pp244, 251, 255, 257).
108. [Jump up](#) Schaaber, Jörg. "Misguided research." *D+C Development and Cooperation*. 1 November, 2010. <http://www.dandc.eu/en/article/why-patents-often-stand-way-health-care> (accessed 23 April, 2013).
109. [Jump up](#) Schaaber, Jörg. "Misguided research." *D+C Development and Cooperation*. 1 November, 2010. <http://www.dandc.eu/en/article/why-patents-often-stand-way-health-care> (Accessed 10 March 2013).
110. [Jump up](#) Roin, Benjamin N. "Unpatentable Drugs and the Standards of Patentability." *Texas Law Review*. Volume 87, pp 503-570 (2009). <http://ssrn.com/abstract=1127742> (accessed 23 April, 2013).
111. [Jump up](#) Drahos, Peter. "Patents, practical ethics and scientists." **Prometheus: Critical Studies in Innovation**. Volume 29, issue 3, pp345-352 (December 2011). <http://www.tandfonline.com/doi/full/10.1080/08109028.2011.631274> (Accessed March 19, 2013).

112. [Jump up](#) Ferreira, Lissett. "Access to Affordable HIV/AIDS Drugs: the Human Rights Obligations of Multinational Pharmaceutical Corporations." *Fordham Law Review*. Volume 71, issue 3, pp 1133-1179
(2002). <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3874&context=flr&sei-redir=1&> (Accessed March 19 2013).
113. [Jump up](#) Caldera, Aida & Zarnic, Ziga. "Affordability of Pharmaceutical Drugs in Developing Countries." *Advanced Studies in International Economic Policy Research*, Kiel Institute for World Economics. No date.
18. http://www.econ.kuleuven.be/public/ndcalc9/Caldera_Zarnic_WP_IFW.pdf (accessed 23 April, 2013).
114. [Jump up](#) Reid-Henry, Simon & Lofgren, Hans. "Pharmaceutical companies putting health of world's poor at risk." *The Guardian*. 26 July, 2012. <http://www.guardian.co.uk/global-development/poverty-matters/2012/jul/26/pharmaceutical-companies-health-worlds-poor-risk> (Accessed 20 March 2013).
115. [Jump up](#) Ross, Philip E. "Patently Absurd." *Forbes*. 29 May, 2000. <http://www.forbes.com/global/2000/0529/0311090a.html> (accessed March 19, 2013).
116. [Jump up](#) Ai Group calls for national strategy to address crippling STEM skill shortages, 12 February 2015, http://www.aigroup.com.au/portal/site/aig/template.MAXIMIZE/mediacentre/?javax.portlet.tpst=0328197f3ace113a24afbc100141a0a0_ws_MX&javax.portlet.prp_0328197f3ace113a24afbc100141a0a0=index%3D1%26docName%3DAi%2BGroup%2Bcalls%2Bfor%2Bnational%2Bstrategy%2Bto%2Baddress%2Bcrippling%2BSTEM%2Bskill%2Bshortages%26folderPath%3D%252FLIVE_CONTENT%252FMedia%2BReleases%252F2015%252FFebruary%252F%26viewID%3Dcontent&javax.portlet.begCacheTok=com.vignette.cachetoken&javax.portlet.endCacheTok=com.vignette.cachetoken (Accessed 11 May 2015).
117. [Jump up](#) Chubb, Home > Media > Speeches > SPEECH: AUSTRALIAN Science Industry eXchange (ASiX) SPEECH: AUSTRALIAN Science Industry eXchange, 20 August 2014, <http://www.chiefscientist.gov.au/2014/08/speech-australian-science-industry-exchange-asix/> (Accessed 21 May 2015)
118. [Jump up](#) Chief scientist calls for a plan to make Australia strong through science, 2 September 2014, <http://www.smh.com.au/comment/chief-scientist-calls-for-a-plan-to-make-australia-strong-through-science-20140902-10bb8s.html>
119. [Jump up](#) Australian Academy of Science, Decadal Plan for Australian Space Science 2010-2019, 2010, Page 13.
120. [Jump up](#) Chubb, Home > Media > Speeches > SPEECH: AUSTRALIAN Science Industry eXchange (ASiX) SPEECH: AUSTRALIAN Science Industry eXchange, 20 August 2014, <http://www.chiefscientist.gov.au/2014/08/speech-australian-science-industry-exchange-asix/> (Accessed 21 May 2015)
121. [Jump up](#) OECD Reviews of Regional Innovation Regions and Innovation Policy: <https://books.google.com.au/books?id=9A4x5-YnWf0C&pg=PA250#v=onepage&q&f=false>
122. [Jump up](#) University Patenting in Germany before and after 2002: What Role Did the Professors' Privilege Play? http://www.econ.mpg.de/files/2009/staff/Buenstorf_2009-068.pdf
123. [Jump up](#) Patents and Intellectual Property - University Heidelberg <https://www.uni-heidelberg.de/research/transfer/patents/>
124. [Jump up](#) International Science Linkages <https://grants.innovation.gov.au/ISL/Pages/Home.aspx> (Accessed 17 June 2015)
125. [Jump up](#) "About freedom of information", Office of the Australian Information Commissioner, <http://www.oaic.gov.au/freedom-of-information/about-freedom-of-information> (Accessed 20 June 2013)
126. [Jump up](#) "Freedom of Information Act 1982", Section 3, Commonwealth Consolidated Acts http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/s3.html (Accessed 20 June 2013)
127. [Jump up](#) "Whistleblowers' Stories", Whistleblowers Australia, <http://www.whistleblowers.org.au/whistleblowersstories.html> (Accessed 20 June 2013)

128. [Jump up](#) "Beyond Commercial in Confidence: Accounting for Power Privatisation in Victoria", *Accounting Auditing and Accountability Journal*, Vol 22 No. 8, pp. 1258-1259 (January 2009).
129. [Jump up](#) Karim Giese, 'The Austrian Agenda Initiative: An Instrument Dominated by Opposition Parties' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 175.
130. [Jump up](#) *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*, opened for signature 13 December 2007, [2007] OJ C 306/1 (entered into force 1 December 2009) art 11.4; Bruno Kaufman, 'Transnational "Babystep": The European Citizens' Initiative' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 228.
131. [Jump up](#) *Constitution of Finland* (1999) s 53.
132. [Jump up](#) Theo Schiller, 'Initiative Instruments in Germany: Variations in Regional States' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 89.
133. [Jump up](#) Zoltán Tibor Pállinger, 'Citizens' Initiatives in Hungary: An Additional Opportunity for Power-Sharing in an Extremely Majoritarian System' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 113.
134. [Jump up](#) Pier Vincenzo Uleri, 'Institutions of Citizens' Political Participation in Italy: Crooked Forms, Hindered Institutionalization' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 71.
135. [Jump up](#) Daunis Auers, 'An Electoral Tactic? Citizens' Initiatives in Post-Soviet Latvia' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 53.
136. [Jump up](#) Wilfried Marxer, 'Initiatives in Lichtenstein: Safety Valve in a Complex System of Government' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 37.
137. [Jump up](#) Algis Krupavičius 'Citizens' Initiatives in Lithuania: Initiative Institutions and Their Political Impact in a New Democracy' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 134.
138. [Jump up](#) *Citizens Initiated Referenda Act 1993* (NZ).
139. [Jump up](#) Anna Rytel-Warzocho, 'Popular Initiatives in Poland: Citizens' Empowerment or Keeping Up Appearances?' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 212.
140. [Jump up](#) *Constitution of the Portuguese Republic* (2005) art 52.
141. [Jump up](#) Víctor Cuesta-López, 'The Spanish Agenda Initiative and the Reform of Its Legal Regime: A New Chance for Participatory Democracy?' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 193.
142. [Jump up](#) Georg Lutz, 'Switzerland: Citizens' Initiatives as a Measure to Control the Political Agenda' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 17.
143. [Jump up](#) University of Southern California, *State I&R*, Initiative & Referendum Institute
<http://www.iandrinstitute.org/statewide_i%26r.htm>.
144. [Jump up](#) *Constitution of the Oriental Republic of Uruguay* (1966) art 79.
145. [Jump up](#) Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 248, 8–9.
146. [Jump up](#) Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 4.
147. [Jump up](#) Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 8–9.
148. [Jump up](#) Helen Gregorcuk, 'Citizens Initiated Referenda' (Research Bulletin No 1/98, Parliamentary Library, Parliament of Queensland, 1998) 8.
149. [Jump up](#) Georg Lutz, 'Switzerland: Citizens' Initiatives as a Measure to Control the Political Agenda' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 18.

150. [Jump up](#) Bill Gammage, *The Biggest Estate on Earth: How Aborigines Made Australia* (Allen & Unwin, 2011) xxii.
151. [Jump up](#) Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 125; *Namatjira v Raabe* (1959) 100 CLR 664.
152. [Jump up](#) See eg *Aboriginals Ordinance Act 1918* (NT) s 16(1); Barbara Cummings, 'Writs and rights in the Stolen Generations (NT) case' (1996) 3(86) *Aboriginal Law Bulletin* 8, 8–10; *Trevorrow v State of South Australia (No 5)* [2007] SASC 285; see generally Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 137–154.
153. [Jump up](#) Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *Report of the Inquiry into the Death of Malcolm Charles Smith* (1989) 1–5; Henry Reynolds, *Forgotten War* (NewSouth, 2013) 138–157; compare to the definition of 'genocide' in the *Convention on the Prevention and Punishment of the Crime of Genocide*, opened for signature 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) art 2; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10; Henry Reynolds, *Frontier: Aborigines, Settlers and Land* (Allen & Unwin, 1987) 48–50, 73–74, 104–105.
154. [Jump up](#) Watkin Tench and Tim Flannery (ed), *1788* (Text Publishing, first published 1789, 1996 ed) 103; Henry Reynolds, *Forgotten War* (NewSouth, 2013) 136–137; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69.
155. [Jump up](#) Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69.
156. [Jump up](#) Henry Reynolds, *Frontier: Aborigines, Settlers and Land* (Allen & Unwin, 1987) 48–50, 73–74, 104–105.
157. [Jump up](#) Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10.
158. [Jump up](#) Russell Hogg, 'Punishment and Race in Colonial Settler Society: The Australian Case' (2001) 3 *Punishment and Society* 362, 362–365; Barbara Cummings, 'Writs and rights in the Stolen Generations (NT) case' (1996) 3(86) *Aboriginal Law Bulletin* 8, 8–10; Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 137–154.
159. [Jump up](#) Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991); Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 135–137; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69; Alan Norrie, *Crime, Reason and History* (Butterworths, 2001) 214; Rob White and Santina Perrone, *Crime and Social Control* (Oxford University Press, 2nd ed, 2005) 42; Michael Head and Scott Mann, *Law in Perspective* (UNSW Press, 2nd ed, 2009) 48; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10–11.
160. [Jump up](#) (1992) 175 CLR 1.
161. [Jump up](#) Peter Butt, *Land Law* (Thomson Reuters, 6th ed, 2010) 975–976.
162. [Jump up](#) Commonwealth, *Parliamentary Debates*, House of Representatives, 13 February 2008, 167–177 (Kevin Rudd, Prime Minister and Brendan Nelson, Leader of the Opposition).
163. [Jump up](#) *Delgamuukw v British Columbia* (1997) 153 DLR (4th) 193; *Faulkner v Tauranga District Council* (1996) 1 NZLR 357; *Johnson v McIntosh* 21 US 681 (1823); see also *Fejo v Northern Territory* (1998) 195 CLR 96, 149 (Kirby J); *Treaty of Waitangi* (signed 6 February 1840); Sir Kenneth Keith, 'The Treaty of Waitangi in the Courts' (1990) 14 *New Zealand Universities Law Review* 37; Howard R Berman, 'The Concept of Aboriginal Rights in the Early Legal History of the United States' (1978) 27 *Buffalo Law Review* 637; Sir Anthony Mason, 'The Rights of Indigenous Peoples in Lands Once Part of the Old Dominions of the Crown' (1997) 46 *International & Comparative Law Quarterly* 812; Ronald Sackville, 'The Emerging Australian Law of Native Title: Some North American Comparisons' (2000) 74 *Australian Law Journal* 820; Paul Havemann (ed), *Indigenous Peoples Rights in Australia, Canada and New Zealand* (Oxford University Press, 1999); *Canada Act 1982* (UK) c 11, sch B s 35; *Adong*

- bin Kuwau v Kerajaan Negeri Johor* [1997] 1 MLJ 418; *Nor Anak Nyawai v Borneo Pulp Plantations* [2001] CLJ 769; *Sagong Tasi v Kerajaan Negeri Selangor* [2002] 2 CLJ 543; *Alexkor Ltd v Richtersveld Community* (2004) 5 SA 460 (Constitutional Court).
164. [Jump up](#) Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 49–61.
165. [Jump up](#) *Official Record of the Debates of the Australasian Federal Convention*, Melbourne, 8 February 1898, 664–691; Tony Blackshield and George Williams, *Australian Constitutional Law and Theory* (Federation Press, 5th ed, 2010) 127; George Williams, *Human Rights under the Australian Constitution* (Oxford University Press, 1999) 41.
166. [Jump up](#) *Australian Constitution* ss 25, 51(xxvi).
167. [Jump up](#) Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 220–221.
168. [Jump up](#) Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 11.
169. [Jump up](#) Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 220–221.
170. [Jump up](#) Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 11. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf
171. [Jump up](#) Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 13. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf
172. [Jump up](#) Eslake, Saul. *Australia's tax reform challenge* - Australian Parliamentary Library lecture, page 3, 21 September 2011
173. [Jump up](#) Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 31. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf
174. [Jump up](#) Dawkins, Beer, Harding, Johnson and Scutella, *Towards a Negative Income Tax System for Australia*, *The Australian Economic Review*, vol. 31, no. 3, page 238.
175. [Jump up](#) Buddelmeyer, Dawkins, Freebairn, and Kalb, *Bracket Creep, Effective Marginal Tax Rates and Alternative Tax Packages*, Melbourne Institute, page 4, <http://www.melbourneinstitute.com/downloads/reports/webreport.pdf> (Accessed 10 February 2014)
176. [Jump up](#) Pech and McCoull, *Intergenerational Poverty and Welfare Dependence: Is there an Australian problem?*, Commonwealth Department of Family and Community Services, <http://www.aifs.gov.au/conferences/aifs6/pech.html> (Accessed 12 February 2014)
177. [Jump up](#) "The Future of Jobs", *The Economist*, January 18 2014. <http://www.economist.com/news/briefing/21594264-previous-technological-innovation-has-always-delivered-more-long-run-employment-not-less> (accessed 29 May 2014)
178. [Jump up](#) Belik, *A Town Without Poverty?*, *The Dominion*, <http://www.dominionpaper.ca/articles/4100> (Accessed 10 February 2014)
179. [Jump up](#) Vooruitgang, *Why we should give free money to everyone*, de Correspondant, <https://decorrespondent.nl/541/why-we-should-give-free-money-to-everyone/31639050894-e44e2c00> (Accessed 10 February 2014)
180. [Jump up](#) *The Earned Income Tax Credit*, Center on Budget and Policy Priorities, page 2, <http://www.cbpp.org/files/policybasics-eitc.pdf> (Accessed 12 February 2014)
181. [Jump up](#) http://www.realclearmarkets.com/charts/10_things_economists_believe-44.html

182. [Jump up](#) Friedman, *Negative Income Tax - I*, Newsweek, 16 September 1968, page 86, <http://0055d26.netsolhost.com/friedman/pdfs/newsweek/NW.09.16.1968.pdf> (Accessed 12 February 2014)
183. [Jump up](#) Eslake, Saul. *Australia's tax reform challenge* - Australian Parliamentary Library lecture, page 3, 21 September 2011
184. [Jump up](#) Threshold applies for 2015-16 financial year.
185. [Jump up](#) <http://www.rba.gov.au/statistics/frequency/fin-agg/2016/>, spreadsheet D2
186. [Jump up](#) Khadem, Nassim. *Small business's \$12,000 GST compliance burden*. BRW. 18 December, 2012. http://www.brw.com.au/p/sections/fyi/small_business_gst_compliance_burden_4vet5VSU3DEdILVGBMPG5I (Accessed 1 March 2013).
187. [Jump up](#) Alex Robson, *The Costs of Taxation*, Policy Monograph 68, May 2005, page 8, <https://www.cis.org.au/images/stories/policy-monographs/pm-68.pdf> (Accessed 10 February 2014)
188. [Jump up](#) Wood, Ong, Cigdem and Taylor, "The spatial and distributional impacts of the Henry Review recommendations on stamp duty and land tax", Australian Housing and Urban Research Institute, February 2012, page 42. www.ahuri.edu.au/publications/download/ahuri_80647_fr2 (accessed 23 May 2014).
189. [Jump up](#) Crypto-Currency Market Capitalizations. As at 18/05/2015, Bitcoin has a MarketCap: \$USD 3,350,127,706, Price: \$USD 236.35 per BTC, Circulation: 14,174,375 BTC. The next highest was Ripple at MarketCap: \$USD 197,776,223, Price: \$USD 0.006198 per XRP, Circulation: 31,908,551,587 XRP. The next highest was Litecoin at MarketCap: \$USD 57,019,327, Price: \$USD 1.46 per LTC, Circulation: 39,126,154 XRP. Note: Ripple isn't really a Distributed Digital currency as it relies on a central authority. <http://coinmarketcap.com/>, (Accessed 30 March 2013).
190. [Jump up](#) Senate Standing Committees on Economics: Digital currency Inquiry, http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Digital_currency, Video of live hearings (LONG ~ 4 hours.) <https://www.youtube.com/watch?v=oE5cW5K5ziE>, (Accessed 30 March 2013).
191. [Jump up](#) ATO submission to the "Inquiry into how to develop an effective regulatory system for digital currency, the potential impact of digital currency technology on the Australian economy, and how Australia can take advantage of digital currency technology.", <http://www.aph.gov.au/DocumentStore.ashx?id=4e646878-bca5-4c7e-9c77-dd20bd243e03&subId=301948>, (Accessed 30 March 2013).
192. [Jump up](#) Andreas Antonopolous addresses and answer questions in front of Canadian Senate Inquiry. <https://www.youtube.com/watch?v=xUNGFZDO8mM>, (Accessed 30 March 2013).
193. [Jump up](#) UK Government: Digital currencies: call for information, <https://www.gov.uk/government/consultations/digital-currencies-call-for-information/digital-currencies-call-for-information>, (Accessed 30 March 2013).
194. [Jump up](#) Extensive description of Bitcoin's future potential, by Mr Chris Mountford, as submission to the Senate Standing Committees on Economics: Digital currency Inquiry, <http://www.aph.gov.au/DocumentStore.ashx?id=772948e4-4ab5-4484-9a6d-f881eb4d68de&subId=302131>, (Accessed 30 March 2013).
195. [Jump up](#) Vorrath, Energy storage to reach cost 'holy grail', mass adoption in 5 years, March 2015, <http://reneweconomy.com.au/2015/energy-storage-to-reach-cost-holy-grail-mass-adoption-in-5-years-18383> (Accessed 4 April 2015)
196. [Jump up](#) Department of the Treasury (Cth), *Strong Growth, Low Pollution: Modelling a Carbon Price* (2011) 91; Sam Meng, Mahinda Siriwardana and Judith McNeill, 'The Environmental and Economic Impact of the Carbon Tax in Australia' (2013) 54(3) *Journal of Environmental and Resources Economics* 313, 321–322.

197. [Jump up](#) Edis, Brown coal imposes \$800 million health cost annually on Victorians, *Business Spectator*, 20 April 2015, <http://www.businessspectator.com.au/news/2015/4/20/science-environment/brown-coal-imposes-800m-health-cost-annually-victorians-0> (Accessed 22 April 2015)
198. [Jump up](#) Will Steffen and Lesley Hughes, 'The Critical Decade 2013: Climate Change Science, Risks and Responses' (Report, Climate Commission, 2013) 86–87.
199. [Jump up](#) ExternE, 'Externalities of Energy: Extension of accounting framework and Policy Applications' (Final technical report, ExternE, 2005) 35, 39; Doctors for the Environment Australia, 'How coal burns Australia: The true cost of burning coal' (Report, Doctors for the Environment Australia, 2013) 2–4; Ruth Colagiuri, Johanne Cochrane and Seham Girgis, Health and Sustainability Unit, The Boden Institute of Obesity, Nutrition, Exercise & Eating Disorders, The University of Sydney, 'Health and Social Harms of Coal Mining in Local Communities' (Report, Beyond Zero Emissions, 2012) 11–12, 32.
200. [Jump up](#) Wendy Wilson, Travis Leipzig and Bevan Griffiths-Sattenspiel, 'Burning Our Rivers: The Water Footprint of Electricity' (Report, River Network, 2012) 14.
201. [Jump up](#) Thomas Bräunl, 'Setting the standard: Australia must choose an electric car charging norm' on *The Conversation* (16 September 2013) <<http://theconversation.com/setting-the-standard-australia-must-choose-an-electric-car-charging-norm-16277>>.
202. [Jump up](#) National Parks Australia Council, Submission No 161 to Department of the Environment, *Independent review of the Environment Protection and Biodiversity Conservation Act 1999*, 2008.
203. [Jump up](#) Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education, *Coal Seam Gas: Enhanced Estimation and Reporting of Fugitive Greenhouse Gas Emissions under the National Greenhouse and Energy Reporting (Measurement) Determination*, Technical Discussion Paper (2013) 6; Matt Grudnoff, 'Measuring Fugitive Emissions: Is coal seam gas a viable bridging fuel?' (Policy Brief No 41, The Australia Institute, 2013).
204. [Jump up](#) Scruton, R., & Tyler, A. (2001). "Debate: Do animals have rights?", *The Ecologist*, 31(2), Pages 20–23.
205. [Jump up](#) AIHW 2014. Health expenditure Australia 2012–13. Health and welfare expenditure series no. 52. Cat. no. HWE 61. Canberra: AIHW. <http://www.aihw.gov.au/publication-detail/?id=60129548871> (refer to Figure 2.4)
206. [Jump up](#) AIHW 2014. Health expenditure Australia 2012–13. Health and welfare expenditure series no. 52. Cat. no. HWE 61. Canberra: AIHW. <http://www.aihw.gov.au/publication-detail/?id=60129548871> (refer to Table 2.14)
207. [Jump up](#) Explaining High Health Care Spending in the United States: An International Comparison of Supply, Utilization, Prices, and Quality - David A. Squires, The Commonwealth Fund http://www.commonwealthfund.org/~media/files/publications/issue-brief/2012/may/1595_squires_explaining_high_hlt_care_spending_intl_brief.pdf
208. [Jump up](#) Pirate Party Australia, Pharmaceutical patents policy. https://pirateparty.org.au/wiki/Policies/Patents#Pharmaceutical_patents
209. [Jump up](#) Australia's domestic response to the World Health Organization's (WHO) Commission on Social Determinants of Health report "Closing the gap within a generation". http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/socialdeterminantsofhealth/report/~media/wopapub/senate/committee/clac_ctte/completed_inquiries/2010-13/social_determinants_of_health/report/report.ashx
210. [Jump up](#) <http://johnmenadue.com/blog/?p=4154> (accessed 05-07-2015)
211. [Jump up](#) <http://www.aihw.gov.au/deaths/leading-causes-of-death/>
212. [Jump up](#) http://mhaustralia.org/sites/default/files/docs/blueprint_for_action_on_mental_health_system_reform_nmhc_review_4th_submission_2014.pdf

213. [Jump up](#) Fryer, real reform that will work, Australian Dental Association, May 2012, https://www.chf.org.au/pdfs/chf/HV-MAY2012_Fryer.pdf (Accessed 1 July 2015)
214. [Jump up](#) Finance and Public Administration References Committee, Progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance, June 2013.
215. [Jump up](#) <http://www.pewtrusts.org/en/about/news-room/press-releases/0001/01/01/its-not-chicken-feed-antibiotic-resistance-adds-billions-to-health-care-costs>
216. [Jump up](#) <http://www.commongroundcanberra.org.au/>
217. [Jump up](#) Milman, Experimental Victorian scheme could virtually eradicate homelessness, Guardian, April 2015. <http://www.theguardian.com/society/2015/apr/30/experimental-victorian-scheme-could-virtually-eradicate-homelessness> (Accessed 14 July 2015).
218. [Jump up](#) United Nations Office on Drugs and Crime. "Promoting Health, Security and Justice - Cutting the Threads of Drugs, Crime and Terrorism 2010 Report." *The UNODC 2010 Report*, p 44.
219. [Jump up](#) National Research Council. *Informing America's Policy on Illegal Drugs: What We Don't Know Keeps Hurting Us*. Washington DC: The National Academic Press, 2001. p1.
220. [Jump up](#) http://en.wikipedia.org/wiki/File:Drug_danger_and_dependence.svg
221. [Jump up](#) Mexico Gulf Reporter. "47,515 have died in Mexico's five year drug war, says country's Attorney General." *Mexico Gulf Reporter*. 11 January, 2012. <http://www.mexicogulfreporter.com/2012/01/47515-have-died-in-mexicos-five-year.html> (accessed 24 April, 2013).
222. [Jump up](#) United Nations Office on Drugs and Crime. "Recent Statistics and Trend Analysis of Illicit Drug Markets." 2012. p 7. http://www.unodc.org/documents/data-and-analysis/WDR2012/WDR_2012_Chapter1.pdf (accessed 24 April, 2013).
223. [Jump up](#) Australian Institute of Health and Welfare. "Drugs in Australia 2010." November 2011. p43. <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737420455> (accessed 24 April, 2013).
224. [Jump up](#) The Economist. "How to stop the drug wars." *The Economist*. 5 March, 2009. <http://www.economist.com/node/13237193> (accessed 24 April, 2013).
225. [Jump up](#) Hughes, Caitlin & Stevens, Alex. *The Effects of Decriminalization of Drug Use in Portugal*. The Beckley Foundation Drug Policy Programme. December 2007. p5. http://www.beckleyfoundation.org/bib/doc/bf/2007_Caitlin_211672_1.pdf (accessed 24 April, 2013).
226. [Jump up](#) Australian Institute of Health and Welfare. "Drugs in Australia 2010." November 2011. p3. <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737420455> (accessed 24 April, 2013).
227. [Jump up](#) http://en.wikipedia.org/wiki/File:Drug_danger_and_dependence.svg
228. [Jump up](#) Gumbiner Ph.D., Jann. *Is Marijuana Addictive? — Can recreational pot smokers become addicted?* Psychology Today. 5 December, 2010. <http://www.psychologytoday.com/blog/the-teenage-mind/201012/is-marijuana-addictive> (accessed March 2, 2013).
229. [Jump up](#) Hilts, Philip J. "Relative Addictiveness of Drugs." *New York Times*. 2 August, 1994. <http://www.tfy.drugsense.org/tfy/addictvn.htm> (accessed 2 March, 2012).
230. [Jump up](#) Arkowitz, Hal & Lilienfeld, Scott O. "Experts Tell the Truth about Pot." *Scientific American*. 22 February, 2012). <http://www.scientificamerican.com/article.cfm?id=the-truth-about-pot> (accessed March 2, 2013).

231. [Jump up](#) Roques Bernhard. *Problemes posées par la dangerosité des drogues*. Report to the Secretary of State for Health (France). 1998. Excerpts translated at <http://www.chanvre-info.ch/info/en/Hemp-is-less-toxic-than-alcohol-or.html> (accessed 2 March, 2013).
232. [Jump up](#) Hastings, John. "Relative Addictiveness of Various Substances." *Schaffer Library of Drug Policy*. November/December 1990. <http://www.druglibrary.org/schaffer/misc/addictiv.htm> (accessed March 2, 2013).
233. [Jump up](#) Lüscher, Christian & Ungless, Mark A. "The Mechanistic Classification of Addictive Drugs." *PLOS Medicine*. 14 November, 2006. <http://www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0030437> (accessed March 2, 2013).
234. [Jump up](#) Productivity Commission, Research report - Bilateral and Regional Trade Agreements, November 2010, page xx, http://www.pc.gov.au/_data/assets/pdf_file/0010/104203/trade-agreements-report.pdf (Accessed 4 April 2015)
235. [Jump up](#) Productivity Commission, Trade and Assistance Review 2013-14, page 2, <http://www.pc.gov.au/research/ongoing/trade-assistance/2013-14/trade-assistance-review-2013-14.pdf> (Accessed 6 July 2016)
236. [Jump up](#) Productivity Commission, Research report - Bilateral and Regional Trade Agreements, November 2010, page 88, http://www.pc.gov.au/_data/assets/pdf_file/0010/104203/trade-agreements-report.pdf (Accessed 4 April 2015)
237. [Jump up](#) Wikileaks - US and Japan Lead Attack on Affordable Cancer Treatments, <https://wikileaks.org/tpp-ip2/attack-on-affordable-cancer-treatments.html> (Accessed 4 April 2015)
238. [Jump up](#) A Blank Cheque for Abuse, Medecins Sans Frontieres, Pages 1-2, http://www.msfaccess.org/sites/default/files/MSF_assets/Access/Docs/Access_Briefing_ACTABlankCheque_ENG_2012.pdf (Accessed 8 July 2013)
239. [Jump up](#) Article 27, Anti-Counterfeiting Trade Agreement, http://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/ip-pi/acta-text-acrc.aspx?lang=eng#chapter2_sect5 (Accessed 8 July 2013)
240. [Jump up](#) ISDS: the devil in the trade detail, ABC Radio National, <http://www.abc.net.au/radionational/programs/backgroundbriefing/isds-the-devil-in-the-trade-deal/5734490> (Accessed 4 April 2015)
241. [Jump up](#) Productivity Commission, Trade and Assistance Review 2013-14, page 21, <http://www.pc.gov.au/research/ongoing/trade-assistance/2013-14/trade-assistance-review-2013-14.pdf> (Accessed 6 July 2016)
242. [Jump up](#) Department of Foreign Affairs and Trade, "International Covenant on Civil and Political Rights", <http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html> (Accessed July 9 2013)
243. [Jump up](#) White, A middling power: why Australia's defence is all at sea, The Monthly, September 2012, <http://www.themonthly.com.au/issue/2012/september/1346903463/hugh-white/middling-power> (Accessed 3 March 2015)
244. [Jump up](#) Head, The military callout question – some legal and constitutional questions, December 2001, <http://www.austlii.edu.au/au/journals/FedLRev/2001/12.html> (Accessed 3 March 2015)
245. [Jump up](#) White, A middling power: why Australia's defence is all at sea, The Monthly, September 2012, <http://www.themonthly.com.au/issue/2012/september/1346903463/hugh-white/middling-power> (Accessed 3 March 2015)
246. [Jump up](#) Babbage, Ross, Australia's Strategic Edge, Kokoda, February 2011, pages 79, 90
247. [Jump up](#) Corbett, Australia's \$60 billion submarine dilemma, The Monthly, August 2014. <https://www.themonthly.com.au/issue/2014/august/1406815200/claire-corbett/australia%E2%80%99s-60-billion-submarine-dilemma> (Accessed March 4 2015)

248. [Jump up](#) Keeping Australia's Options Open in Constrained Strategic Circumstances: The Future Underwater Warfare Capacity, Submarine Institute of Australia, August 2008, page 14, http://www.submarineinstitute.com/userfiles/File/SIA_DWP2008_Submission.pdf
249. [Jump up](#) How the U.S. and Its Allies Got Stuck with the World's Worst New Warplane, Axe, August 2013, <https://medium.com/war-is-boring/fd-how-the-u-s-and-its-allies-got-stuck-with-the-worlds-worst-new-warplane-5c95d45f86a5> (Accessed 16 June 2015)
250. [Jump up](#) White, A middling power: why Australia's defence is all at sea, The Monthly, September 2012, <http://www.themonthly.com.au/issue/2012/september/1346903463/hugh-white/middling-power> (Accessed 3 March 2015)
251. [Jump up](#) Babbage, Ross, Australia's Strategic Edge, Kokoda, February 2011, pages 96-97
252. [Jump up](#) Defence – National Commission of Audit, March 2014, <http://www.ncoa.gov.au/report/phase-one/part-b/7-8-defence.html> (Accessed March 4 2015).
253. [Jump up](#) First principles review of defence, April 2015, pages 12-18, 67, 69. <http://www.defence.gov.au/publications/reviews/firstprinciples/> (Accessed 4 April 2015)
254. [Jump up](#) Head, The military callout question – some legal and constitutional questions, December 2001, <http://www.austlii.edu.au/au/journals/FedLRev/2001/12.html> (Accessed 3 March 2015)
255. [Jump up](#) <http://www.comlaw.gov.au/Details/C2012A00153>
256. [Jump up](#) <http://www.defence.gov.au/pathwaytochange/docs/dlapiper/Background.asp>
257. [Jump up](#) First principles review of defence, April 2015, pages 12-18, 67, 69. <http://www.defence.gov.au/publications/reviews/firstprinciples/> (Accessed 4 April 2015)
258. [Jump up](#) Millennium Development Goals, AusAID, July 2013, <http://www.ausaid.gov.au/aidissues/mdg/Pages/home.aspx> (Accessed July 7 2013)
259. [Jump up](#) Lane, "Foreign spending boosted and aid money capped for onshore asylum costs", 13 May 2013, <http://www.abc.net.au/am/content/2013/s3757469.htm> (Accessed July 7 2013)
260. [Jump up](#) Article 14 - Universal Declaration of Human Rights, Archives of the International Council on Human Rights Policy, http://www.ichrp.org/en/article_14_udhr
261. [Jump up](#) Refugee Council of Australia, "Submissions to Joint Parliamentary Committee on Human Rights Examination of the Migration (Regional Processing) Package of Legislation", Sections 1.7, 1.8, 2.2, 2.3, April 2013, <http://www.refugeecouncil.org.au/r/sub/1304-EP.pdf>
262. [Jump up](#) Parliamentary Library, "Immigration detention in Australia", 20 March 2013, http://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention#_Toc351535446
263. [Jump up](#) Burnside, Julian, "Four steps to more humane refugee processing", 23 November 2012, <http://theconversation.com/four-steps-to-more-humane-refugee-processing-10945> (Accessed June 27 2013)
264. [Jump up](#) Beeby, "Labour shortage costing farmers \$150m a year", January 6, 2012, <http://www.theage.com.au/victoria/labour-shortage-costing-farmers-150m-a-year-20120105-1pmvz.html> (Accessed June 27 2013)